

RELIGIOUS AUTHORITY AND MUSLIM COMMUNITIES
OF LATE MEDIEVAL SPAIN

Kathryn A. Miller

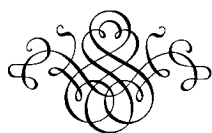
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GUARDIANS OF ISLAM

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Religious Authority and Muslim Communities
of Late Medieval Spain

Kathryn A. Miller



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Preface

“Do Muslim parents have the right to force their daughter to wear the hijab if she refuses to wear it?” “Can a non-Muslim join in the funeral service of a Muslim?” “Are Muslims allowed to inherit from non-Muslims?” “What shall I do if there is no halal meat available in the city where I live?” These are the kinds of questions posed in mosques, on the streets, in the press, and on the Internet by Muslims living in non-Muslim lands today. Typically, the local imam is the first source of information or guidance on practicing Islam, but the search for answers, either casually or in the form of fatwas, often extends beyond the neighborhood mosque. Religious authority is a perennially touchy subject, especially with regard to Western imams and Islamic legal scholars. In communities where the wearing of a headscarf to school can result in lawsuits, protests, and global media attention, what it means to be a Muslim leader, manifesting and teaching Islam at the local level or within the global *umma*, is a vital question.¹

For political, demographic, religious, and social reasons, contemporary Muslim minorities have been catapulted into public discourse over the last decade. News coverage, academic study, and the publication of scholarly monographs have contributed to this increased visibility, as well as the founding of the Institute of Minority Affairs and their publication *Journal of Minority Affairs*. For those following this emerging body of knowledge and speculation, the religious leadership of these Muslim communities has presented an interesting study.² How do local Islamic leaders in the West advise their communities? What Islamic practices are they

emphasizing or deemphasizing? Do they issue fatwas? How in touch are they with contemporary society and, on the other hand, with Islamic tradition and scholarship?

The complexity of a Muslim identity in diaspora is evident.³ One of the primary roles of Muslim leaders currently is to clarify Islamic norms in a modern secular context—as suggested by the questions above—but imams must also routinely address issues ranging from assimilation and discrimination to the degree to which an individual or his religious community must cooperate with state authorities. Imams educated in the Muslim world find ways to adjust to secular society, while home-grown (indigenous/native European) imams help their communities define themselves within the wider *umma* and Islamic tradition.

It is precisely these needs of Muslim minority communities—and the efforts of their religious leaders to guide them—that this book addresses. *Guardians of Islam* concerns one of the earliest significant Muslim communities living in non-Muslim lands.⁴ In the fifteenth century these Muslims, known as Mudejars, inhabited the west corner of Aragon, in the Ebro Valley, where they were surrounded by tangible memories of the now bygone Islamic dominance of the Iberian Peninsula. Yet while they faced dilemmas of acculturation and Islamic identity similar to those of their modern counterparts, the context of those dilemmas differs greatly. The premodern Mediterranean world shaped not only their daily lives and their practice of Islam but also the status of their religious leaders. Medieval Muslim '*ulama*' thrived in an environment of common moral ideals and social codes, a shared language of discourse and learning where scholarly networks conveyed texts and information across great distances. These scholars regarded themselves foremost as bearers of Islamic legal tradition and arbiters of Islamic law for their communities. Within the latter they were granted an elevated status as the guardians of their Islamic faith. Despite living in non-Muslim territory, Mudejar scholars identified with what has been characterized as the "cosmopolitan" world of the medieval '*ulama*'.

The general reader may be astonished at the faintness of the trail left by these Mudejar *faqih*s, considering that their days were devoted to writing contracts and copying manuscripts in Arabic. Their texts survive only in fragments and are problematic, as we shall see. Many documents were destroyed during the Morisco period in the sixteenth century, when the

possession of Arabic manuscripts in Christian Iberia became a crime. Thus, in contrast to the comparative visibility of modern Muslim scholars and imams or to the Mudejar religious scholar's medieval counterparts living in Islamic lands, little is known about the educated elite of fifteenth-century Aragon. Few historians have considered how the Mudejars and their leaders understood their own predicament as minority peoples and how they interpreted what it meant to be Muslim.

Thus far what we know about the Mudejar elite has been drawn mostly from non-Muslim sources. Medieval Christians have left us bountiful documentation on their Muslim subjects, which has allowed us to learn much about how the Mudejars engaged with the Christian world. A generation of historians has scrutinized Muslim communities through these non-Muslim sources found in Spain's abundantly rich archives. In the Spanish archives we can find Mudejar *faqih*s in action, translating Arabic documents and mediating for their communities. The ubiquitous presence of Muslim legal scholars in Christian courts of law, and as figureheads for their communities, is well-attested in monographs published on the Mudejars over the last three decades. But Spanish sources offer only one side of the story. For the details that we would love to know—their education, their routines, the messages that the *faqih*s imparted to their coreligionaries in their mosques, and the biographical data that tell us more about these figures as social actors within their communities—we must return to those scraps of parchment left by the *faqih*s themselves.

Guardians of Islam seeks to fill a gap. It is an archival hunt through neglected fragments, a detective story that uncovers clues in margins, in colophons, in the repetition of names. In addition to Mudejar Arabic sources, I draw freely from North African legal sources and selectively from Valencian and Aragonese documents in Spanish archives. My reliance on multiple source bases, with priority given to Muslim sources, is driven by my argument that a significant element of the Aragonese Mudejars' diaspora experience was their contact with their coreligionaries. They constructed networks that crossed over into Valencia, Granada, and North Africa. A narrow focus on Aragonese documentary production would leave us with a false impression of insularity.

There has been no previous full-length study devoted to Mudejar leadership or its links to religious authorities in the greater Mediterranean region.

This book is the first to delve into the ways that the Mudejar religious leaders defined their relationship to Islamic tradition and how they guided their communities in the practice of Islam within Christian Spain. This is not a social history of Mudejar scholars, but an attempt to understand how the local and translocal played themselves out to define these men's task as guides—something that must be extracted primarily from what remains of their Arabic writings. The Mudejar *faqih*s have been conventionally portrayed as inferior to and marginalized by the more educated '*ulama*' of the medieval Mediterranean (much like their counterparts—the modern '*ulama*'). My aim is not to defend them as comparable to other Islamic scholars, but to show how they regarded themselves and how they fulfilled their role as guardians and arbiters of Islamic law and tradition in a Christian land.

Difficulties in consistency obviously arise in working with multiple medieval sources. Any particular individual name will have several different spellings or reflect mixed traditions. *Faqih*s' names have different forms in Christian and Mudejar documents (e.g., *Muhammad Ar-recli* is rendered *Mahoma Ricla* by Christian scribes). Mudejars themselves used a mixture of Romance and Arabic. In some instances, a *faqih* might identify himself, albeit in Arabic script, by both his Muslim name as well as his Christian title. Moreover, Mudejar Arabic varies from proper classical to misspelled colloquialisms. The standard Mudejar Arabic in the fifteenth century ranges from careful and precise copying of classical Arabic texts to weak and error-ridden notes and commentary. Islamic historians and Arabists will note the distinction between the classical texts produced by North African and Granadan jurists.

For the sake of consistency, I have favored the names and terms that the Mudejars used for themselves in their writings. The *faqih* Muhammad Ibn Rabi' signs his name as such in his Arabic texts, although in the Spanish archives he can be found as Abenrabi. I have also retained the Arabic terminology for common terms such as *sadaq* (dowry) and *watha'iq* (notarial manual) rather than using their Aragonese or Valencian equivalent. Diacriticals have been eliminated. Specialists should also note that the Valencian and Aragonese documents I consult follow their respective conventions specific to fifteenth-century notarial scribes.

The period considered Mudejar is a long one, spanning these peoples' first subjugation to Christian lords in the twelfth century and lasting until their forced conversion in the early sixteenth century. *Guardians of Islam* ends just when Spain's Muslim minority leadership faced one of their most significant challenges in the "Morisco period." Forcibly converted, losing their hold on the Arabic language, and their liberty to serve openly as guardians of the faith, the *faqih*s and their communities were again compelled to reshape their expectations and strategies of survival. But that is another story.

Acknowledgments

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This book is dedicated to lutin Olivier, bébé Julien, Philippe, my parents Joan and Walter Miller, and all of my family. I am deeply mindful of how much they have sustained me throughout the long years of writing this book.

Abbreviations

ARV	Archivo del Reino de Valencia
BN Madrid	Biblioteca Nacional (Madrid)
Escorial	Real Biblioteca del Escorial
Madrid (CSIC)	Consejo Superior de Investigaciones Científicas
RAH	Real Academia de la Historia

GUARDIANS OF ISLAM



Western Mediterranean

INTRODUCTION



The Muslim Exclaves in Christian Spain

Eight years after the Muslims living under the Crown of Aragon were forcibly converted to Christianity, a learned group of *faqih*s (scholars) met in secret in Zaragoza, Spain. Their conversation made its way into a Muslim religious text, the *Tafsira*, composed around 1534 by Mancebo, a traveling scholar from Arevalo in Castile.

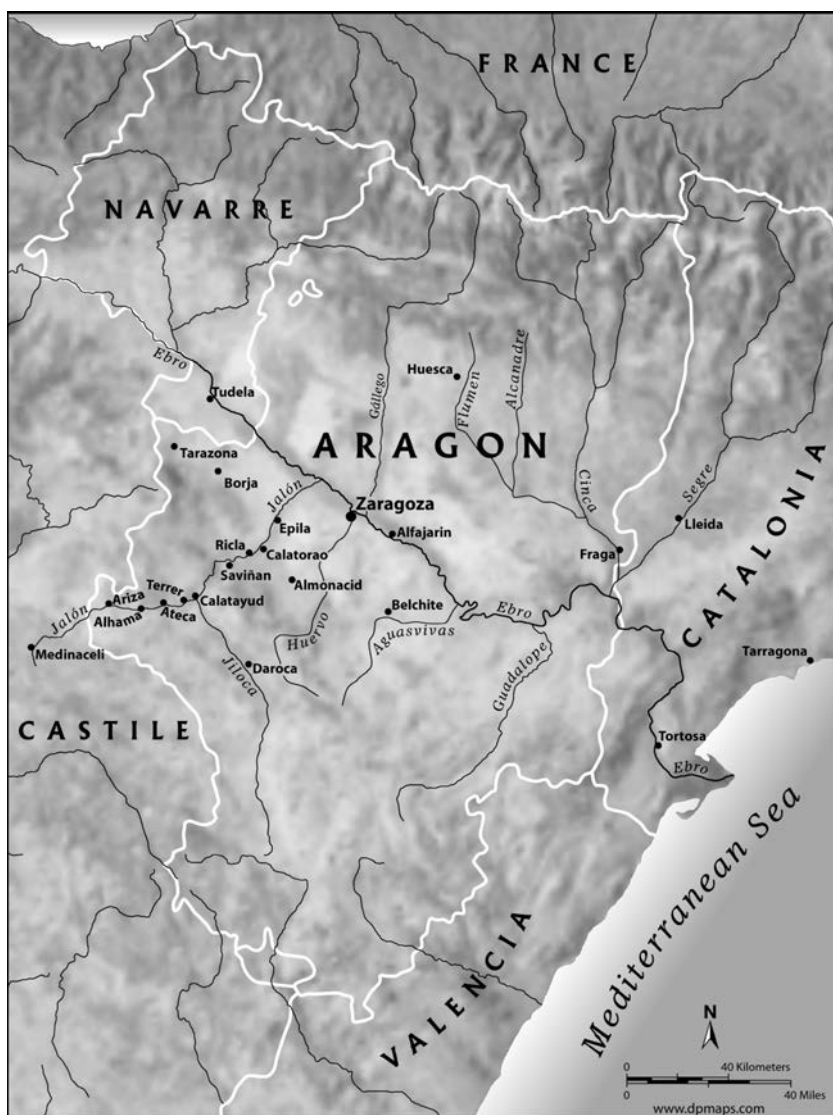
A whole company of honored Muslims had gathered in Saragossa, twenty Muslims, among whom were seven learned and renowned scholars, and after the noon prayer they began to discuss our sufferings, and each of them made a speech. Among the things said, many lamented the immense loss we had suffered, and how small the good deeds we had done. Another scholar said that all the sufferings we underwent and those that awaited us day by day, would all stand to our credit. Those present repudiated what he said, because the sufferings would not count toward making up for anything missed out from the regular obligations of the Law. If the heart of the matter is missing, and that is the summons to prayer, no good deed will be acceptable [to Allah], and the things we suffer here below are no more than a short rest before the life to come. However, where there are no good deeds, there would be no exchange of excellence. This led on to many disagreements and discussion concerning sins and other debts we owe, past and to come.

In the midst of all these unpleasantnesses, another scholar said something that was extremely harsh and haughty. There, in the presence of

them all, he said that each one of them ought to gird up his loins, and if any of them wanted salvation, then he should go out and look for it. Everyone there disagreed, because it caused great ferocity, and would not be to give a good Muslim example. There were different opinions expressed, and because each one of them felt the harm, which was general, as it affected him personally. I was not surprised that each one said what he really thought, for this was no time to indulge in exchanging conventionally polite remarks or irrelevancies. At the end of it all, they drew up no written decision, although a lot had been said about our merit because, as was said, good deeds where there is no imam and nobody to make the call to prayer was like having rain after the end of the growing season, for the earth soaks it up and gives little yield. Ritual prayer not performed at the right time is like that. May it please God to grant us pardon for such trespasses. It was not yet eight years from our conversion and already one disaster was following on the heel of another.¹

Almost a decade had passed, but these Muslims were clearly still stunned by the Spanish monarch Charles V's 1526 edict declaring that Muslims in Aragon were to convert to Christianity or be expelled from the peninsula.² Relations between Aragonese Christians and Muslims had been characterized for centuries by a *convivencia* or, as one historian quipped, a *convivencia*, of a shared economy and even, at several points, a shared culture.³ Non-Christian minorities had been considered "the royal treasure" of the Christians. The Muslim artisans of the region brought the widely admired Moorish or "mudejar" style to Christian architecture, and their workmanship in many areas was highly prized. As the traditional saying went, "No moro, no oro." No Moor, no gold.

By the time of the edict, Aragonese Muslims had been a minority population for four hundred years. In the eleventh and twelfth centuries Christian forces had advanced southward and recaptured the central regions of the formerly Christian Iberian peninsula that Berber and Arab Muslims had invaded and settled in the eighth century. Toledo was the first to fall in 1095. Aragonese towns were subsequently annexed in a series of incursions.⁴ By the mid thirteenth century the Christians had absorbed the entire eastern region (*sharq al-Andalus* in Arabic) of the peninsula, enveloping a large population of Muslims under their jurisdiction. Historically known as the



Ebro Valley Settlements

Reconquista, the Reconquest, this dramatic shift of power between Islamic and Christian polities deeply affected the indigenous Muslim populations. Although consequences varied from region to region, the immediate result of Christian ascendancy over Iberian Muslims was that a new category of Muslims emerged, displaced and subjugated.

When conquered in the early twelfth century, Muslims signed surrender treaties stipulating that they had to pay a special tax and were restricted from certain professions. They were, however, permitted to practice their Islamic faith freely. The Mudejars, as these Muslims under Spanish Christian rule are known,⁵ might have expected such an arrangement. With the Muslim invasion of Spain in 711, and over the next four centuries, during which Muslim rule had prevailed over much of the peninsula, Jewish and Christian religious minorities had been permitted to practice their faith freely and to live with some degree of autonomy in exchange for a poll tax (*jizyah*). Known as the *dhimmah* contract, sanctioned by the *Qur'an* and firmly rooted in Islamic legal tradition, this arrangement ensured a measure of stability for the minority communities of *al-Andalus*.⁶

Similarities between the *dhimmah* contract and the capitulation treaties struck between Christian lords and the Muslim minorities diminished over the years, however. Although terms of surrender varied from province to province, the privileges and rights initially accorded to the Mudejars were abrogated and modified in many ways. Nevertheless, the provision that Muslims were permitted to adhere to the tenets of their Islamic faith—the Christian equivalent of the *qur'anic* principle that there should be “no compulsion in religion”—had remained intact for the Aragonese Muslims.

Intact until 1526, that is. Now these pious men of Zaragoza were struggling to understand their role as experts in Islamic law (*faqih*s, Arabic singular *faqih*, plural *fuqaha'*), as leaders of a subjected people no longer permitted to practice their faith openly. They had little notion of what would lie ahead for them or their communities. The council of elders addressed the issue raised by the harsh and haughty scholar: that they should “gird up their loins” and go out and look for salvation. What would it mean to gird up one's loins under these circumstances? To emigrate, perhaps, or to resist the Christians, even to the point of taking up arms. While Aragonese Mudejars held tenaciously to their faith during the Inquisition—in fact, more Mudejars were tried and convicted in Aragon than in Valencia,

which had a reputation for rebellion—such drastic options were immediately turned down by these learned Muslims.⁷ Significantly, as the young man from Arevalo recorded, they felt that resorting to these alternatives “would not give a good Muslim example.”

This seemingly simple statement is in fact rich with interpretive possibilities. It reflects a consciously formed self-image on the part of the faqihs: an ideology of leadership, if you will. *Guardians of Islam* explores this ideology, and the ways in which the Aragonese learned elite (the ‘*ulama*’) guided and guarded their communities in order to sustain the peoples’ faith and their Muslim identity. I want to know what was meant when the faqihs of the Zaragoza conference argued that emigration or open resistance would not give a “good Muslim example.” To determine this, I concentrate on the fifteenth century, a period in which we can piece together evidence of the faqihs in action: their contact with the religious leaders of *dar al-Islam* (“land” or “house” of Islam), their education and networks, the texts they collected, copied, and passed down to later generations. From the surviving documents, we discover, tentatively, how Aragonese Mudejar scholars functioned as “heirs of the prophet” in Christian Spain and, further, how they may have regarded their own roles as religious leaders.

Studies of Mudejar Islam or the “Islamicity” of the Mudejars have been severely hampered by lack of evidence from the Mudejars themselves. The fifteenth century yields tantalizing, often fragmentary, evidence in Arabic, but there are few surviving Arabic texts from earlier centuries. Documents preserved in Christian archives, on the other hand, are rich and abundant. Muslims were a crucial financial resource to the Christians, and their institutions and daily lives were extensively documented as every point where they touched on Christian interests, notably taxing, trading, and political concerns. Postwar historians of the Mudejars have wisely gravitated to these sources, virtually untapped before the 1950s. As a result, the bulk of Mudejar scholarship explores the interaction of Christians and Muslims, from the initial conquests of Aragon, Valencia, and Castile down to the expulsion of the Muslims from the peninsula in the seventeenth century, almost five hundred years later.

The pioneering studies of John Boswell, Maria Teresa Ferrer i Mallol, and Robert I. Burns, to name a few authors who contributed to the first

wave of major publications, unearthed and examined civil and criminal court cases, tax legislation and records, and royal decrees concerning Muslims produced by the Christian officials of royal, seigneurial, and ecclesiastical bureaucracies.⁸ This research on the Mudejars as the Crown's "royal treasure" was followed by more local studies. The next generation of scholars mined the archives to show significant varieties of the Mudejar experience across and within the different regions of the Crown of Aragon (Valencia, Navarre, and Aragon).

Yet recourse to the documents produced by the Mudejars' non-Muslim environment, mostly concerned with lordship, justice, and financial exploitation, led historians to emphasize the extent to which Mudejar society was crippled by the obligations Muslims owed to their infidel lords. Seen through the lens of non-Muslim sources, Mudejar communities appear as objects reacting to Christian hegemony, as the victims of decline. These Spanish Muslims' claims to faith, their internal activities, and the processes by which they maintained their cultural and religious boundaries have been largely obscured. In such narratives, sociopolitical subjection and cultural passivity, if not religious degeneracy, have often been implicit companions.

Until the past decade or so, non-Christian data hardly invalidated this morose verdict. To scholars who consulted Mudejar Arabic sources, the surviving manuscript evidence, often copied in weak Arabic of Mudejar hands, seemed to provide corroborative evidence for a process of cultural deterioration.⁹ It is true that many of the archival remnants are marred by grammatical infelicities, misspellings, and a perceptible awkwardness with the mechanisms of classical written Arabic. The expertise of Aragonese scribes varied dramatically: texts are typically a blend of classical language of *fiqh*, *aljamiado* (Spanish written in Arabic script) translations, and weak Arabic of Mudejar composition. They often look like scrapbooks or have come to us only in fragments. These Mudejar manuscript survivals are read symbolically: they stand in for what modern scholars have regarded as a fragmentary and fragmented culture.

But as interest in Muslim minorities—both medieval and modern—has grown, historians have delved into unexplored aspects of Mudejar society, such as Muslim relations with the Crown's other subjected minority, the Jews. The traditional approach of viewing Muslims as isolated subjects,

oppressed and beleaguered, has been challenged by two trends, the one in transregional links between Mudejar communities, the other a growing interest in group identity and intercommunal relations in Spain. Scholars such as Ana Echevarría Arsuaga, Roser Salicrú i Lluch, and María Dolores López Pérez have investigated the Muslims' willingness to cross geographic and cultural boundaries.¹⁰ Their research has unearthed intriguing local and transregional links between Mudejar communities; it explores the formal and informal institutions—both Christian and Muslim—that enabled and conditioned such contacts and cooperation.

On the second historiographical front, David Nirenberg has significantly altered the dimensions of inquiry with his recent *Communities of Violence*.¹¹ In Nirenberg's model, Muslims struggled with Christians in specific arenas, such as the brothel or the marketplace, and this often violent interaction functionally maintained boundaries between communities. No longer do we face the lamentable, culturally crippled Mudejar; we see, rather, Mudejars manipulating discourse (or being manipulated by it). Scholars working on Valencia had, slightly earlier, explored the dynamics of conflict within Mudejar groups. In his groundbreaking study, *The Muslims of Valencia in the Ages of Fernando and Isabel*, Mark Meyerson put forth the compelling thesis that *ʿasabiyah* (group kinship and solidarity) stood behind Mudejar cohesiveness.¹² Meyerson participates in another trend, which also informs *Guardians of Islam*, in underlining a further unifying dimension of the Mudejar experience—their sense of membership in the *umma*. "Ransoming and otherwise helping foreign Muslim captives became a focus for the Mudejars' Islamic piety and loose political identification with *dar al-Islam*," he argues, on a par with other forms of aid proffered by Mudejars to their Granadan brethren in their struggles with Castille in the latter half of the fifteenth century.¹³

This rich development of the field of Christian-Muslim studies has focused attention on such issues as integration, minority-majority relations, the complex interplay of economy and ethnicity—in short, the experiences of an enclave community.¹⁴ For this reason, most research has focused on Valencia, conquered in the mid-thirteenth century (over a century later than Aragon), which had a seventy percent population of Muslims—enough to suggest an ongoing threat to the Christian minority. Here, we see a more fractious dynamic between Muslims and Christians

than in Aragon. Arabic remained the dominant language, which facilitated separate spheres, and the Valencian Mudejars' proximity to Islamic lands helped them sustain contact with their coreligionists in dar al-Islam.

In contrast, Aragon—while it also boasted a relatively high population of Muslims, many of them settled in clusters in the Ebro Valley—showed less distinct social boundaries between Christian and Muslim. Aragonese Mudejars were often bilingual. They worked as artisans and farmers; Muslim builders hired Christian workers, and vice versa. Many Aragonese Mudejars lived under non-Muslim lords. They were more integrated socioeconomically and linguistically than their Valencian counterparts. But, as we shall see, integration along these dimensions did not necessarily translate into religious assimilation or a relentless decadence of Aragonese Islam.

While recent studies suggest some of the forces behind the formation and defense of Muslim identities in Christian Spain, they fail to shed light on how the Muslims perceived themselves in relation to their Islamic past, to their Islamic faith, to other Muslims in the medieval Mediterranean. Scores of historians have commented on the importance of the faqihs for Mudejar communities.¹⁵ But their precise role within the Mudejar experience has been little explored. Indeed, these religious leaders, who provided moral authority and a connection to Islamic tradition, remain enigmatic figures. Faqihs appear in the Christian sources, but as silhouettes, moving in and out of Christian courts as Islamic legal advisers. Their other activities—those within their own communities—have thus far eluded us. Christian sources reveal little about the most significant aspects of their lives as Mudejars: what they studied, preached, their values, ideology, leadership. This study, devoted to the *fūqaha'*, puts them squarely at the center.

Faqihs have been traditionally known as experts in Islamic jurisprudence, but the term assumes a broader meaning in Christian Spain. Theoretically, a *faqih* could occupy the position of *qadi* (judge), *mufti* (expert who issues fatwas), *imam* (leader of prayers), *khatib* (preacher), or *muwaththiq* (notary).¹⁶ They could be itinerant scholars or traders or religious leaders employed by the local mosque. In Christian Spain by the fifteenth century, the term implied an equally wide range of professional activities. It was typically used, in both the Christian and Arabic sources, to designate a learned Mudejar who knew Arabic and whose profession or vocation in

some way involved the knowledge and application of Islamic law and tradition. The faqihs were particularly independent from Christian structures.

The faqihs in Valencia clearly relished this independence, and colorful images of their feisty demeanor emerge from the Christian archives. Faqihs were known, for example, to galvanize their communities to resist oppression when necessary, especially when Christian aggressions infringed upon the practice of Islam. In 1493, when royal officials entered a mosque in Ondara (Valencia) to apprehend a criminal, the reaction of local Muslims was swift: “The Moors, *amins*, jurates, and all the people” hurled “stones and . . . the tiles from the roofing, and with lances and crossbows” repelled the trespassers.¹⁷

Because of the high concentration of Muslims in Valencia, more so than in other regions, Islamic law persisted, and faqihs were often called in by Christian officials to arbitrate disputes that involved interpretation of *sunna* and *shari‘a*. While the moral authority that these learned men of all classes held is readily recognized by historians, the ways in which they exercised their influence within the *aljamas* remains mysterious—in part because the Arabic records from Valencia do not survive to tell us more.

When following the Mudejar faqih through Christian court documents, we can see a range of strategies these legal experts used within Christian administrative and judicial structures. Normative Islam appears to be distant, separate, and divorced from the “local Islam” of the Mudejar towns and villages of Christian Spain. Viewed through this prism, canonical Maliki texts shrink in importance for many historians, having little relevance to Mudejars’ everyday dealings with Christian courts.

Aragon’s Muslims have posed a slightly different historiographical problem than their brethren in Valencia. The long-held assumption that these Mudejars were highly acculturated has been complicated by the recent re-emergence of Arabic documents that indicate a staunch conservative adherence to Islamic traditions. In addition, the comparative stability that has long been thought to be characteristic of Aragonese society and the partly shared culture of subjected Muslim minorities and their overlords shared do little to explain the Zaragoza faqihs, with their display of confidence in their Islamic identity.

In fact, the Mudejar Arabic sources—on which I principally rely in *Guardians of Islam*—reveal an active and vital connection between Aragonese

faqihs and Islamic authorities in nearby Islamic lands. These Mudejar leaders were deeply involved in and committed to their role and responsibility as “lamps of the *umma*.” I argue that in order for these scholars to claim authority as transmitters of Islamic tradition within their communities they had to place themselves on the Islamic landscape. They had to formulate their own identities as Muslim leaders, their own strategies for defending the faith.

What I propose to do in this book is to take us out of the Christian hegemonic discourse and reorient us toward a wider Islamic Mediterranean, tapping into the sense of connection and belonging that wells up from the pages of the Aragonese Mudejar Arabic sources. The following chapters show how Mudejar faqihs related to their Islamic tradition, how they preserved it, considered it, and connected with it. These men studied their legal texts seriously. They worked to create networks that fed their community of scholars and, in turn, those Mudejars who depended on the learned elite as a touchstone to their faith. Only after elucidating the faqihs’ relationship with the larger Islamic world can we understand their role as intermediaries.

And what material can we draw on? Fortunately, a substantial collection of Arabic manuscripts was discovered in the nineteenth century in the walls of a house in the Aragonese village of Almonacid, squirreled away from the prying eyes of the Inquisition in the sixteenth century.¹⁸ These Arabic texts, many of which date to the fifteenth century, originate from a cluster of royal *morerías* around Borja, Terrer, Belchite, Calatayud in today’s Zaragoza Province, on or near the river Ebro. In addition, there are the Arabic manuscripts of Aragonese Mudejar provenance that I have also traced to the possession of Ebro Valley faqihs. These are preserved in the Biblioteca Nacional (Madrid), the Escorial, and the Real Academia de Historia (Madrid). Taken together, with some imagination and industry, these materials can be treated as a coherent and relatively unified corpus.

The Arabic texts of the Almonacid collection constitute an impressive range, in fragments, of letters, prayers, sermons, legal texts copied by Mudejar scholars, contracts issued by Mudejar notaries, Qur’ans, stories of the prophet, *hadith*, and notarial formulae. The collection also contains documents in *aljamiado* (Spanish in Arabic script). The painstaking work of Arabists, such as Wilhem Hoenerbach, María Jesus

Viguera, and Ana Labarta, who have published many of these documents, offers a compelling textual landscape.¹⁹ P. S. Van Koningsveld, in turn, provides a map of that landscape by identifying Mudejar manuscripts circulating among the Spanish communities. He relies on colophons to not only trace the provenance of Mudejar material but also to evaluate the diversity of Mudejar interest in copying and spreading Islamic texts.²⁰ Alfonso Carmona has begun the fundamental task of identifying the legal works circulating among the Muslim communities in Christian Spain, and L. P. Harvey provided the foundations for the study of the literary culture of Aragonese Muslims in the sixteenth century.²¹ This scholarship makes it possible to assess Mudejar sources for purposes other than assessing the degrees of separation between Mudejar practices and the standards of normative Islam.

Such advances have proved foundational for what this book aims to achieve: that is, to explore the measures Mudejars took to selectively reproduce and “guard” Islamic traditions. By following a trail of Arabic manuscript fragments from dar al-Islam to their circulation in Aragonese Mudejar communities, it becomes possible to glimpse the forms of textual and intellectual exchange that Muslims living under Christian rule worked to sustain with their coreligionists. The physical link with Islamic territory that the importation of texts demonstrates also brings to mind other, less tangible forms of connectedness to which the Mudejars clung.

Textual difficulties arise chiefly from the incompleteness of these manuscript collections, which leave us with tantalizing ellipses and allusions. One typical example is the otherwise unadventurous and conservative figure of the jurist Muhammad al-Morabeti, from a small rural town in the Ebro Valley. Documents in his possession reveal the existence of an Aragonese correspondence with a Maliki Sufi scholar in North Africa and a liberal legal expert in Granada. This staid learned man had a lighter side, it seems; al-Morabeti also owned a copy of the fables *Khalila and Dimna*.²² We may mention as well an emotional appeal from a Granadan captive in Aragon to local Mudejars, whose manuscript support is torn in shreds right in the middle of a speculation as to who among the writer’s coreligionists might ransom him. Although I concentrate on manuscripts produced or copied by the Mudejars themselves, I draw freely from the Spanish archives when they can supplement the surviving Arabic texts—as they do,

for instance, for the tracking of several generations of faqihs belonging to one family. Where the manuscript material is scarce and fragmentary, I try to cast a wide net rather than to reaffirm historiographical distinctions between Arabic and Christian sources. In allowing myself to use fragments, in Arabic and *aljamiado*, to argue for the existence of a literate Mudejar culture, and to reconstruct it, I can refer to the work of early medievalists. Like historians of the early medieval world, historians investigating the Mudejars deal with a radically poor Arabic archive, which would seem at first sight to testify to cultural poverty. For late medieval Aragon this image is an artifact of a postmedieval crisis. In the sixteenth century, the Spanish Inquisition's hunt for Arabic and *aljamiado* documents, and massive Mudejar immigration out of al-Andalus, led to documentary destruction and dispersal.²³ The reasons for the poor survival of early medieval texts differ, but this poverty has proven illusory.²⁴ It is from fragments that Rosamund MacKitterick has painstakingly brought to light a lay and clerical scribal culture in the hinterlands of southwestern Germany and Switzerland, thus revolutionizing our earlier image of an illiterate Merovingian and Carolingian world. Others, often her students, have extended her hypotheses to other areas of "Dark Age" northern Europe.²⁵ The Arabic culture of late medieval Mudejar Aragon begs for such a revision.

Any study needs chronological boundaries. This one concentrates on the fifteenth century—an appropriate choice for any reformulation of the question of Mudejar Islam and the tensions associated with community affiliation. Aragonese Mudejars had lived as a minority community for over two hundred years. By the fifteenth century they were facing new challenges. Their leaders probably perceived an erosion in local Arabic literacy. The Mudejars also had to face increasing Christian attempts to control their activity, especially when it came to contacts with still-Muslim Granada. On occasion, Mudejars were the targets of vigorous forays by proselytizing Christians.²⁶ Furthermore, to the Mudejars political changes in the Mediterranean were simultaneously promising and ominous. The spectacular fall of Constantinople in 1453 sent waves of hope: a powerful Islamic East might intervene and ease the position of Muslims in Spain.²⁷ That Aragonese Mudejars were aware of geopolitics is evident from a letter some among them wrote to the sultan in Cairo in 1480. They complained about the destruction of minarets and other provocative activities of the Spanish

Christian clerics and asked that the Mamluks destroy the churches in Jerusalem in retribution.²⁸ On the other hand, hemmed in the southernmost corner of Spain, the last remaining Muslim kingdom in the peninsula, Granada faced Christian siege and internal turmoil. No matter how intensely conscious the Mudejars might have been of their membership in the umma, the troubled state of the Mediterranean in the fifteenth century both intensified their quandaries and catapulted them into an international framework. Finally, with the benefits of hindsight, historians know that this was the last century of Mudejar existence as a subjugated but still semiautonomous religious community. It is the best place, then, to test the thesis of decline, evaluate the strength of these communities and their leadership, and describe and analyze the faqihs' strategies and habitus.

Imams and 'ulama' (learned elite) who live in Western societies today are faced with the same problem that the Aragonese faqihs faced centuries ago: how to shepherd and protect Muslim communities that live outside Islamic society. Although the division between *dar al-Islam* and *dar al-harb* (land of war) may have been more charged in the Middle Ages than it is in the era of globalization, the parallels with the present moment are almost too obvious. One of the greatest and most enduring debates among Muslim intellectuals has been how (and whether) Muslim leaders in diaspora should mediate and interpret Islamic legal tradition to accommodate local cultures. Can traditional norms be modified for Muslims living in a Western, largely secular society who might otherwise have difficulties following these traditions or even understanding them? Who should have the authority to make decisions such as these, according to what criteria?

The concept of cultural brokerage has helped scholars reframe these questions for the contemporary debate. At the risk of oversimplifying, it can be argued that until about fifteen years ago scholarship fell into two categories. A whole generation of anthropologists following in the wake of figures like Clifford Geertz made popular the study of "local Islam(s)," which focused on the practices and beliefs that distinguished a local community rather than on those that the group shared with other Muslims elsewhere in the umma.²⁹ In contrast, Islamic scholars have tended to focus on texts and their interpretation, at the expense of local religious understanding and practice. Approaching documents critically and philologically, they

attempt to place them in relation to the canonical Islamic textual tradition, generally “presuming a conceptual and normative core to Islam (containing, of course, several different schools and positions) that, adequately understood, can stand for the religion as a whole.”³⁰

As I have indicated, this predicament was shared by the historiography of Mudejar Islam. When one held the Mudejars to the standards of normative Islam (as did many medieval and modern Islamic scholars), they could only fall short, whether because of the geographical separation from the Islamic “center” owing to the paucity of their religious-cultural resources (such as teaching and texts), or due to the constraints that Christian rule imposed on their material and religious life. On the other hand, when scholarship focused on the distinctively local, it fell into the trap of seeing the Mudejars’ engagement with Christian power as the chief determining factor in their practice of Islam.

Newer studies by John Bowen and Richard Antoun have bridged the tension between local and normative Islam.³¹ They offer historians of medieval Spain an alternative, more subtle approach to Muslim communities and their processes of adaptation. Bowen and Antoun have focused on the means by which the Islamic message is handed down and reformulated by “cultural brokers” in their particular environments, a process commonly termed the “social organization of tradition.” Focusing on the role of these intermediaries, this approach maps out the ways in which they produce religious discourse by bridging the gap between textual tradition and local applications. While taking into full account the particular and the contingent, it emphasizes that, for many Muslims across diverse cultures, there existed in fact “an external, normative reference for their ideas and practices.”³²

The Bowen and Antoun line of thought converges with the orientation which many diasporic studies have been taking. Obviously, the Jewish diaspora has provided the initial paradigm for such scholarship.³³ But the term *diaspora* extends now to encompass communities that have a homeland to which they make reference and must also establish relationships with a host society. Despite the increasing refinement, complexity and divergences in scholars’ conceptualization of what constitutes a diaspora community, most definitions hinge on one factor: that some form of external reference point is instrumental in shaping a diaspora community’s identity. This “Center out there”—to recycle the title of a famous article—can

range from the paradigmatic Jewish homeland to a much more vague and distant place of origin with which the exiles sense that they have a connection.³⁴ The Mudejars are generally recognized to have been a diaspora community, but scholarship has not yet focused on their Islamic identity or on their relationship to an authoritative center. Arguably, though, these elements were at the heart of the Mudejars' staunch adherence to Islamic values throughout their experience as a minority community in Christian Iberia. The present study proposes to investigate the dynamic of this relationship between center and local Islam in Spain: how it was formed, how it could shift, and how it ultimately shaped the ways in which Mudejars connected to Islamic values.

But this book will not utilize the concepts of "local Islam" or "diaspora." Rather, elaborating on them and building on what we can apprehend of the Mudejar experience, it conceptualizes the Mudejar communities as *exclaves*. The term *exclave* acknowledges simultaneously the Mudejars' profound cultural, religious, and symbolic links to *dar al-Islam* and their subjugated status in Christian Spain. An *exclave* is thus a particular form of diaspora with specific dynamics. The concept accounts for the two forces that determined Mudejar action and culture in the fifteenth century: the already well-mapped Christian environment (in which Spanish Muslims were "enclaved") and the much less explored bond to North African Islam (for whose jurists Mudejars were islands in a Christian sea). To reconceptualize in this manner, the "enclave" allows us to distinguish analytically, on the one hand, the relationship that the Mudejar communities formed with an exterior authoritative center from, on the other hand, Mudejar society's other processes of identity formation, including those conditioned by its Christian host culture.³⁵ By examining this Mudejar community's particular relationship with a distant religious center, and the various ways in which their leaders interpreted, communicated, and organized this tradition within the structures and strictures of non-Muslim culture, I aim to show how Mudejars were compelled to make choices and how these choices were made. Their quandaries and options were difficult, as the debate among the learned men at the council of Zaragoza in 1534 demonstrates. They were not unlike those of the Muslims in today's Europe and North America, exposed as they are to the integrative forces of a "multi-cultural" society.

A fifteenth-century manuscript that circulated among the Mudejars describes the faqihs' mandate: they must be guardians of the faith. According to this anonymous letter, faqihs who failed to take up this struggle risked the wrath of Allah as well as of their untutored fellow Muslims: "And so therefore, if the faqihs neglect to admonish the people, they will perish, for each shepherd is answerable to his herd." This epistle was directed "to the people," proclaiming that it was the responsibility of the faqihs to protect them from ignorance: "And if those knowledgeable neglect to admonish those who do not know, then surely—as the shepherd is to the wolf—the herd will perish."³⁶

We cannot examine how Mudejar faqihs mediated or transmitted Islamic tradition until we examine how the faqihs themselves related to their tradition, how they regarded their role as shepherds. This was neither an easy nor a simple relationship, as we shall see, for the tension between the local and universal constituted a central part of the Mudejar experience. This is what makes Mudejar Aragon an exclave.

Chapter 1 begins, then, with this tension, as seen in one of our most fruitful surviving source genres in Arabic: fatwas (legal rulings) written by jurists in Granada and North Africa on the topic of Mudejar residence on the Iberian Peninsula.³⁷ Issued by the Maliki 'ulama', guardians of the faith themselves, these fatwas articulate a host of reservations about the notion of Muslims living under infidel rule. The orthodox view was that Mudejars must emigrate to dar al-Islam and that the cultural and religious dangers of residing in Christian Spain outweighed any mitigating factors (such as a faqihs' sense of duty in shepherding his Mudejar flock). With a few notable exceptions, the Maliki scholars concentrated on legitimacy and viability. They addressed the Mudejar situation in such a way that, no matter what question sparked the fatwa, they reiterated the primacy of emigration as an obligation. We begin then with the authoritative center of normative Islam, rather than with Christian hegemony.

As a source for Mudejar history, these legal rulings must be approached cautiously. The jurists' opinions are more diverse than they at first appear. My aim is to sketch the fundamental qualms, objections, and fears—jurisdictional and cultural—of the Islamic scholars and to explore how the 'ulama' of the western Mediterranean reacted to what might be called a crisis in leadership.

The chapters that follow leave dar al-Islam to turn to the Iberian dar al-harb. A brief transition is devoted to introducing the Spanish landscape, the regional diversity of the Muslim communities within the Christian kingdoms and the position of their faqihs over time. Understanding this, we can work to recover the Aragonese faqihs' spheres of activity as intermediaries: in Christian Aragon, in the Islamic Mediterranean, within their own scholarly community, within and between Mudejar communities, and as transmitters of Islamic tradition. Their activities take us everywhere, for the faqihs were "ubiquitous," as one historian has described them. We follow them into the mosque, into Christian courts, and on their travels to Islamic lands. To the extent possible, we explore their spiritual struggle, their attempts—to put it bluntly—to make the best of a bad situation in Christian Spain.

Chapter 3 draws a portrait of the bilingual Aragonese faqihs and shows how they differ from their Valencian Muslim brethren. I trace their collegial networks and discuss the ways in which they sustained a scholarly community. As mentioned earlier, P. S. Van Koningsveld has recently shown how informative the colophons (closing inscriptions) of the manuscripts can be. Taking his lead, I follow Aragonese colophons to reconstruct the scholarly profiles of a few Mudejar faqihs. This chapter also introduces us to the range of Arabic manuscripts that were circulating among Mudejar scholars.

The degree to which Mudejar religious authorities performed their role as imams, faqihs, notaries, or qadis was obviously affected by their status as members of a subjugated minority. At any moment, the whims of royal legislation might increase the Mudejars' taxes or restrict their travel or make objectionable demands, such as mandating the substitution of a horn for the voice of the muezzin. Muslims were permitted to practice Islamic law, but their legal authority was shared with and, to a degree, marginalized by the higher jurisdiction of Christian courts. Chapter 4 analyzes the faqihs' position as intermediaries or cultural brokers. Here I turn to the Spanish archives and the work of modern historians.

Many of the administrative structures that bore on the faqihs' spheres of activity have been well studied. For the kingdom of Aragon we can draw on two important works of broad scope, Brian Catlos's recent *Victors and the Vanquished* and Macho y Ortega's "Condición social de los mudéjares

aragoneses (siglo XV),” published almost a century ago but still a seminal study.³⁸ Both scholars draw extensively from the Christian archives, which document Mudejar contract disputes and arbitrations, business practices, family relations and official obligations, to reconstruct Mudejar administrative and economic institutions. In turn, the rich data provided by Francisco Javier García Marco’s and Angel Conte Cazcarro’s recent monographs on the Mudejar communities of Calatayud and Huesca help place the textual production of the faqihs within a socioeconomic context.³⁹

Chapter 5 goes to the heart of the tension between the Mudejar faqihs and religious authorities in dar al-Islam. All parties would have agreed that Islamic law should be interpreted only by the most learned Muslim scholars. How did the fifteenth-century Mudejar faqihs, who were not trained in the *madrasas* (religious schools) of Fez or Granada, approach authoritative tradition? Specifically, when did they deem it advisable to translate from Arabic into Romance? What claims could (and did) these scholars make to be heirs of the prophet and trusted transmitters of tradition to the people?

Chapter 6 examines the mosque as one arena in which the Mudejar faqihs’ activities were comparatively isolated from the Christians. In the mosque, away from prying eyes, faqihs would preach, teach, pray, negotiate marriage contracts, plan celebrations, and perform other roles in Mudejar religious life, perhaps the most vital of which was simply to oversee the bringing together of Muslims. The mosque was the symbolic center of each Mudejar community; it was where the faqihs were free to exercise moral authority. In this chapter I highlight another dimension to the faqihs’ mediation of Islamic tradition, namely, their call to jihad (holy war). The Maliki jurists generally denied the Mudejars a role in any jihad other than a call to emigrate to Islamic lands. Mudejar leadership, however, through its effort to articulate a self-conscious defense of Islam for its own communities, reconceived its own scholarly jihad: it now understood it to be one of teaching and building a moral community as imams and preachers.

Part of the Aragonese Mudejar strength, and an important characteristic of its scholarly community, lay in its translocal contacts. These networks facilitated a peninsulawide solidarity among Mudejars that ultimately served as a means of resistance. In chapter 7, as in chapter 3, the trail of the Aragonese faqihs takes me further afield to Castile and Valencia.⁴⁰ While

historians know a lot about Muslim prisoners of war (or piracy) and Muslim slaves during this period, I approach the subject from a new direction, examining how the faqihs organized redemption activity and almsgiving, as revealed through a series of letters and Arabic manuscripts. Here we explore an informal institution of Islamic charities that was compelled to develop its own mechanisms by which to enforce organized participation by the Mudejars across communities.⁴¹ This moves us toward understanding the mediating role of Mudejar leadership in yet another, quite different way. Drawing from both Christian and Islamic practices of almsgiving, the faqihs employed a variety of strategies to monitor charitable giving and equitable division of resources. These activities—performed within Muslim communities to aid other Muslims—could be considered a form of inner jihad and ultimately a form of resistance.

This book, then, does not locate Aragon's Mudejar communities within a teleological framework of conquest, decline, and loss, until recently a familiar master narrative for both Islamicist and Spanish historiography. Rather, it recasts the discussion by focusing on the faqihs as leaders. These men had both to function as Islamic authorities under Christian rule and to maintain what they ended up deeming essential for their religion, defined in an often tense negotiation with the legal elites of *dar al-Islam*. Their activities were conditioned by these two competing dimensions—the infidel environment and the Muslim normative horizon. Effectively, they yielded fully to neither. That the faqihs guarded Spanish Islam with a substantial degree of success is clear. We know very few Spanish Muslims converted to Christianity during the Mudejar period, and remarkably few lapsed under the colossal pressures brought upon them in 1526. So resilient were the communities under *fūqahā'* leadership that, a century after this edict, the Catholic kings decided that the only solution to the problem of crypto-Islam was to expel the Moriscos from Spain. The following chapters explore the dialectics between Christian and Muslim constraints, between continuity and transformation, tradition and innovation, collision and collaboration. All these dynamic oppositions, ultimately, constituted Mudejar Islam.

CHAPTER ONE



On the Border of Infidelity

There is little doubt that the first Christian Reconquest of Muslim lands on the Iberian Peninsula, the fall of Toledo, was a shock to the Islamic Mediterranean world. But it was more than one moment of crisis. Over the course of the twelfth and thirteenth centuries and again at the end of the fifteenth century, there was a series of what might be called aftershocks. Christians conquered Aragon and then a drumroll of conquests thereafter in Valencia, Murcia, and finally Granada in 1492.¹

In each case the reaction of Muslims in the Islamic world was remarkably similar. Without the capacity to defend or retake their Andalusian lands, Islamic authorities called for all subjected Muslims to emigrate to dar al-Islam; they pointed to the Prophet's example: his exodus from idolatrous Mecca to Medina, the *hijra* (emigration). Only those Mudejars who were too ill, aged, or whose lives would be endangered by flight could be excused with good conscience. Otherwise, they were to leave dar al-harb for dar al-Islam.

But for many who would become Mudejars, the Christian conquest of *sharq al-Andalus* was not like the loss of a home so much as the moving in of an overbearing stepparent. These were still their hills and watering holes, these were their trade routes, their business connections, their familiar foods, clothes, practices. Although many Muslims left for dar al-Islam, many stayed in Spain—hoping for the best from their new overlords and perhaps clinging to hope that Islamic forces would eventually retake these territories.

For religious scholars of the Maliki school of law living in the western Mediterranean, however, the Reconquest presented a significant challenge to their task as guardians. This newly configured landscape, this substantial population of Muslims living under Christian jurisdiction, raised all sorts of legal and ethical dilemmas that fell within the purview of these scholars. Muslims had been subjugated minorities before, but not on this scale.²

The jurists, unsurprisingly, did not agree among themselves on the message that was to be sent to these subjugated Muslims.³ Most Islamic scholars had great difficulty in accepting a Muslim community outside of dar al-Islam, a community they could not help but see as marred by cultural decline: loss of knowledge, loss of liberty, and loss of proper leadership. The Maliki school of law, predominant in Islamic Spain, Sicily, and North Africa, maintained that Muslims who lived in Christian lands should emigrate to dar al-Islam and that only those Mudejars who were too ill, aged, or disabled to travel could be excused with good conscience. Several prominent jurists, furthermore, were concerned about what they regarded as a Mudejar reluctance to emigrate, and they categorized as miscreants those men and women who had voluntarily opted to live outside Islamic polity. Indeed, there was much disbelief and indignation that so many believers would expose themselves to both the temptations of Christian culture and the oppression of Christian rulers.

At the heart of the matter lay the fundamental belief that one could not live as a pious and dutiful Muslim when one did not merely dwell side by side with Christians but actually stood under their lordship. Certainly, Muslims had coexisted in a neighborly fashion with infidels in the past. Muslim-ruled Andalusia contained many *dhimmi* subjects, members of protected minorities. Muslims were accustomed to travel to and in non-Muslim lands. But the idea of permanent residence under infidel rule—of a diaspora—did not sit easily within the Islamic framework. From a legal standpoint many Islamic institutions were bound to be corrupted. Christian conquerors did initially guarantee the Mudejars the right to practice their faith and apply Islamic law. But for the Maliki jurists practices fundamental to the faith were compromised by the fact that the ruling authority was non-Muslim. Jihad (holy war) could only be declared by a Muslim ruler; the fasting of Ramadan could only be determined by a legitimate imam. Furthermore, living in close proximity to Christians without being

in a position to control social contact as Muslims had been when they were the dominant group raised an array of cultural problems.

The Mudejars were not completely cut off from their coreligionists in dar al-Islam, however. Muslims would move back and forth across the border over the years. Granadan and North African authorities would be involved in negotiating emigration privileges. But the 'ulama', the Islamic scholars in Muslim lands, maintained a different sort of contact: a communication that was largely informed by their world, the world of authoritative discourse, the interpretation of Muslim life in dar al-harb through the filter of Islamic law, the Qur'an, and the hadith, of an understanding of what a good Muslim should be and do.⁴

The jurists' reactions to the Mudejars survive in the form of fatwas (legal decisions) that span several centuries. A few were issued at the early stages of the Christian incursions from the North in the twelfth century and again in the late fourteenth century after the Christians had occupied most of the Iberian Peninsula but not yet the Muslim state of Granada. Many are clustered around the fall of Granada in the late fifteenth century: a period of great anxiety for the Islamic world. Based on internal evidence in surviving fatwas, and the fact that documents are still being brought to light in the archives, we can assume that a continuous stream of fatwas was issued on the topic of the Mudejars between the thirteenth century and 1492.

Some jurists obviously felt passionately about these Muslims living under Christian rule. A fatwa issued by the jurist al-Wansharisi constitutes the most famous tirade against Muslims who did not emigrate from dar al-harb; it has been quoted frequently by modern scholars as representative of the party line of Islamic authorities on whether it was permissible for Muslims to reside in Christian territory. Writing at the end of the fifteenth century, during a period of severe Christian-Muslim hostilities, this North African declared that a Muslim's residence in Christian land was "manifest proof of his vile and base spirit" and that "this chosen course will cause him much frustration and disgrace."⁵ Those Mudejars who refused to acknowledge the danger inherent in subjection to Christian lordship were tottering on the brink: "To exalt Christian authority and diminish Muslim (authority) is an enormous disastrous ruination," fulminated al-Wansharisi, adding, in an ominous metaphor, that "he who does this is on the border of infidelity."⁶

Al-Wansharisi was not alone.⁷ A substantial rigorist group argued that Mudejars should not be permitted to live in Christian Spain and that they should leave behind their land and, if necessary, their possessions in order to emigrate to dar al-Islam. These jurists refused to envision a Muslim exclave as a legitimate community and so dismissed the Mudejars as disobedient exiles. In their eyes these Muslims had willfully chosen to remain under Christian rule even though they might have emigrated—as advised by almost every Islamic authority—and come to dwell among their coreligionists.⁸

Not all jurists agreed, however. Some Muslim scholars, labeled pragmatists by historians, believed that Mudejars could live as faithful and obedient Muslims in Christian Spain. As men of law, these jurists encouraged emigration, but they also argued for the viability of a Muslim community in dar al-harb.⁹ They admitted that the hegemonic influences owed to Christian rule could not be dismissed out of hand, but that what ultimately determined an Islamic identity was the Muslim's individual capacity "to manifest Islam."¹⁰

As more fatwas emerge from the archives, however, it has become apparent that most jurists fell between the two extremes of rigorist or pragmatist. In elaborating their opinions, even those thinkers closest to the ideal-typical hard-line show some conceptual flexibility. They take into account the actual situation of the Mudejars in Christian Spain. Others who judged Mudejar Islam with less severity nevertheless worked to impose standards of religious practice on Muslims living in dar al-harb. Although surviving fatwas invariably discuss the obligation for Muslims to emigrate, some address other issues pertaining to Mudejar life.¹¹ There were theological questions to answer, such as the degree to which the Mudejars were sinning in failing to emigrate and specific cases involving conflicts that the Mudejars faced living among Christians. For instance, Mudejars sometimes faced risks, especially financial, in trying to fulfill their Islamic duties. And they did not always have freedom of movement. Although Iberian Christians had initially granted their subjected minorities the right to emigrate or travel abroad, by the fourteenth century Muslims often had to seek permission as well as pay for this privilege. Performing the *hajj* or emigrating to dar al-Islam under these circumstances was prohibitive; and

violating travel regulations could result in collective punishments, with family properties confiscated and relatives imprisoned.

Crisis of Leadership

The juristic record unveils a rich discourse that tells us much about what these scholars regarded as threats to Islamic culture or practice in Christian Spain and also how they viewed their task as guardians of Islam. It also reveals that, given the obligation to emigrate, Islamic authorities were divided over whether Mudejar faqihs were qualified to supervise other Muslims living under non-Muslim rule. We might regard this as a crisis of leadership in the medieval Mediterranean. Some jurists felt that faqihs who lived in Christian territory, but in close proximity to Islamic lands, had morally compromised themselves by opting not to emigrate. They were unable to interpret the law by virtue of the bad judgment they had shown. Thus, their refusal to heed the call to emigrate—to bow to the jurists' greater religious authority, and the authority of tradition—put the faqihs' legal integrity in question. This, in turn, affected their capacity to lead and to instruct ordinary Mudejars in the basic principles of the Islamic faith. We also find disagreement between jurists about whether to grant a Mudejar qadi authority, for example, and even whether to consider a Mudejar's testimony acceptable. Other jurists focused on whether Mudejar faqihs were simply too ignorant, after a long period under Christian rule, to instruct others in Islamic principles. They addressed the dangers of *ijtihad* (independent legal reasoning) and they questioned—and sometimes condemned—the qualifications of Mudejar scholars to interpret and reason correctly.

The jurists' preoccupation with Mudejar leadership had long-term implications not only for the Mudejar communities but also for Muslim leadership in the emerging diaspora. How were religious scholars to deal with the newly configured Mediterranean? Were they to offer support to the Mudejars or simply castigate them? Were they willing to concede that adaptation and mechanisms of compromise, governed by recourse to the principle of *maslaha* (for the benefit of the communal good), might be required to meet the situation? To what degree and in what ways could Islam be adjusted to a local infidel culture? Where should the line be drawn

between the preservation of Islam under difficult circumstances and the violation of basic principles?

Most important, though, was the question of who, among Muslims, should be making these legal decisions for their communities. Moral authority was a topic close to the heart of the Maliki jurists. They repeatedly point to the obstacle—legal, ethical, and cultural—that would prevent Mudejar leaders from protecting their communities and averting the decay of religion.

Of the surviving Islamic literature, we have only one explicit statement supporting the faqihs. This was issued in Cairo in the early sixteenth century. Four Islamic judges were asked to comment upon the status of the Mudejar faqih: could his duty to emigrate be postponed, especially if the scholar's motive for staying in *dar al-harb* was "to preserve the religious doctrine of Muslims who live in the lands of the Christians and to strengthen their religion?" This fatwa contradicts mainstream legal opinion to assert that the faqihs are in fact obligated to stay in *dar al-harb* to "prevent the decay of religion." According to one of the Maliki judges in Cairo, remaining behind was not only permissible, but faqihs were "even obliged to do so when they know their [community's] faith will fall into decay [if they leave]." These muftis felt it was the faqihs' duty to stay and protect the community.¹²

Nothing more is said in this fatwa about how this was to happen or about the mechanisms by which the faqihs should protect their fellow Mudejars and preserve their religious doctrine. In an implicit form, at least, the idea that learned Muslims might remain in non-Muslim lands to "strengthen the faith" was not necessarily a new one, however. Earlier jurists had equivocated on the issue, and a prominent Andalusian Maliki jurist, Ibn 'Abd al-Barr al-Qurtubi (d. 1071) had maintained that, although it was forbidden to live in *dar al-harb*, an exception might be made for a Muslim who hoped to "prevail over the non-believers."¹³ But this ruling was issued before the Christian sweep of the peninsula and the subsequent residence of thousands of Muslims in a Christian land. At least in the fatwas that have thus far come to light, the status of the Mudejar faqih was not discussed again in these permissive terms until nearly the close of the Mudejar period.

Because we are just beginning this investigation of leadership and mediation in diaspora, what follows serves only as a modest departure point.

Although nothing as explicit as the sixteenth-century Cairo fatwa survives, we do have numerous legal rulings that touch on Mudejar faqihs, their legal and religious capacities and their fitness as mediators and community leaders.¹⁴ In this I aim simply to indicate the issues that were problematic for Islamic scholars, as guardians of Islam, when they discussed their counterparts in Christian territory, the Mudejar faqihs. Often jurists show great awareness of their own roles as mediators. This rough framework will help us, in later chapters, to discuss notions of guardianship with which the Mudejar faqihs themselves grappled. What becomes clear from newly available documents—and from reexamination of known fatwas—is that historians have underestimated the Mudejar faqihs' sense of connection with normative Islam, as represented by the Maliki jurists. Their notion of guardianship and the solutions that Mudejar leaders found living in a Christian world made constant reference to this center.

The debate involved also the prime objects of the Malikis' worries, that is, the local guardians of the Mudejars, those religious scholars who lived among the subjected Muslim Iberian minority.¹⁵ Theirs is a muffled voice. They were and they remain liminal figures.

Why were these leaders of Muslim minority communities marginalized by the medieval Islamic world? This question will concern us here, since there was no necessity, *a priori*, for this exclusion. According to Islamic tradition, the guardians of Islam are religious scholars—the lamps of the *umma*. Their task is to transmit knowledge from generation to generation, to give advice, and to warn all Muslims of what God expects of them. Without faqihs, untrained Muslims stumble in darkness. As one anonymous medieval treatise put it: “the ‘*ulama*’ are the lamps of the *umma*”; “error and errancy are repelled from the people by virtue of the existence of a single one of these ‘*ulama*’.”¹⁶ Religious scholars were supposed to be in every Muslim land, guarding their flocks against danger and fortifying the faith.

Itinerant scholars had long boasted of their role in fortifying the faith of Muslims living on the periphery of the Islamic world. Abu Hamid, in the tenth century, detailed his activity among the Muslim communities in non-Muslim Hungary where, according to his own account, he instructed the local people in the ways of Islam, which included ritual obligations of which they seemed unaware, and taught many of them Arabic as well.¹⁷

And the famous traveler Ibn Battutah, in the fourteenth, condescendingly highlighted his contributions to the religious education of Indian Muslims who, as he saw it, unwittingly violated Islamic precepts owing to their ignorance.¹⁸

But the Islamic world did not equate Mudejar faqihs with those who brought their skills and knowledge to communities on the geographic fringes of the Islamic world. As resident leaders of a diaspora containing several hundred thousands of Iberian Muslims, in lands that had, at one time, been under Islamic rule, they were usually regarded with suspicion and disapproval.

In interpreting the relevant fatwas, however, we must bear in mind that Islamic jurists conducted what is often called an “authoritative” discourse: that is, they discussed Islamic practices and culture through a legal filter. In issuing a fatwa, their response to a Muslim petitioner seeking an Islamic answer to a question or conflict was formulated according to specific criteria; their legal arguments were based on Qur’an or hadith, *ijma’* (consensus) or *qiyas* (analogy)—a process called *istifta’*. Some jurists, such as al-Wansharisi, were enraged at the attitude of Mudejars he encountered who had conveyed the impression, in his eyes, that they would rather live in dar al-harb than experience the hardship of emigration and resettlement. Al-Wansharisi’s anger comes through in his lengthy fatwa. Other jurists may have had easier interactions with Mudejars and their scholars. Regardless of this, their fatwas would still be issued according to the formal guidelines of *istifta’*, and any sort of relationship between the Maliki jurists and the Mudejars would not be immediately obvious.¹⁹

Furthermore, the jurists’ role in Islamic society was to interpret the law and to maintain normative standards of religious practice. At no point did even the most lenient of jurists recommend staying in dar al-harb unless it was for a most ideal mission, such as converting the Christians. All the jurists conceded that if emigration placed Muslim lives in danger it was permissible for Mudejars to delay leaving Christian territory until conditions allowed for safe passage. What worried, and often angered, some jurists was the self-serving interpretation they felt Mudejars applied to the notion of danger. What risk and sacrifice, as well as danger, implied for a Mudejar individual, a Mudejar family, or a Mudejar faqih, as we shall see, could be interpreted in vastly different ways.

Divergences between the Maliki jurists' views can be regarded as a measure of the conceptual challenge posed by the Reconquest to men who, in their self-understanding, were guardians of their faith. Those historians who have taken into account the diversity of the surviving rulings have categorized the jurists into pragmatists and rigorists (or hard-liners).²⁰ This distinction is a rough cut, since a close reading of the fatwas highlights how ambivalent the Malikis must often have felt. For it was not an uncomplicated situation, and even rigorism had its limits. Mudejars may have been criticized for not emigrating to dar al-Islam, but at no point were they branded outsiders to the Islamic community, as were apostates, rebels, and non-Muslims.²¹

The rough cut, however, must serve as a starting point. "Rigorist" jurists such as al-Wansharisi were appalled at the Mudejar faqihs' audacity and poor judgment in remaining in Spain and argued against their ability to guide and instruct their flocks in the principles of Islam. Had not the Qur'an (4:97–100) called upon Muslims to emigrate to save their souls? The Prophet had said, "As for those whose souls are taken by the angels [at death] while in a state of injustice against themselves, they will be asked by the angels: 'What state were you in?' They will answer: 'We were oppressed in the land.' And the angels will say: 'Was not God's earth large enough for you to migrate?'"

Other learned men, though, understood that Christian Iberia's faqihs served a crucial role in preserving the Mudejars' religion precisely because these ordinary Muslims dwelled among infidels and were ruled by infidels. Analogous positions were not uncommon among the non-Maliki. The Shafi'ite mufti of Cairo, Shams al-Din al-Ramli (d.1004/1596), even addressed Aragon, and also cautioned against rash emigration from a land where Islam was not oppressed.²² This second set of Malikis, the "pragmatists," may have been the minority voice in the Maliki school—as far as the presently available data allows us to see. They, too, typically encouraged emigration. But they were more reluctant than the seeming majority to uniformly condemn or marginalize the Mudejars' local leadership. For some among them, as indicated early in this chapter, what determined an Islamic identity was the Muslim's individual capacity "to manifest Islam." Those who espoused this view invoked another prophetic tradition: "Whosoever believes in God and His messenger, performs the *salat*, pays the *zakat*, fasts

during Ramadan and performs the pilgrimage to the House, is entitled to be permitted by God to enter Paradise, whether or not he has emigrated in the way of God or has remained in the country where he was born.”²³

Underpinning the discussion over the competence of the Mudejar faqihs was the jurists' concern about the welfare and protection of the Mudejar community. Even if they might grant that a faqih was capable of teaching Islam, jurists expressed other reservations about the Mudejar exclave, especially their fear of Mudejar assimilation by Christian culture. A Mudejar community was vulnerable to what jurists imagined to be the acculturative powers of the wider host society. Even if elite Mudejars could resist the influences of Christian culture through their knowledge of Islam, the Mudejar community at large would be far less able to withstand the corrosive influences to which they were exposed in a Christian environment.

Unlike their debates on the qualifications of Mudejar faqihs, the jurists did not argue chiefly within the parameters of Islamic legal-political theory where acculturation was concerned. Here, in individual interpretations of the dangers inherent in a Muslim diaspora, we see the jurists' creative and rhetorical constructions come into play. They pointed to the porosity of boundaries between religious communities. They debated whether a Muslim exclave could survive Christian pressures. More specifically, they also identified the communal boundaries they felt were important to maintain. By privileging certain cultural practices, such as speaking Arabic, and insisting that losing them signified dangerous deterioration as well as a failure on the part of Mudejar leaders to guard their communities against corruption, the jurists formulated a canon of Islamic behavior.

When we consider how the jurists brought their theories of acculturation to bear on their discussion of the Mudejars, the distinction between rigorists and pragmatists becomes less obvious. Ibn Rabi' (d. 719/1320), for example, stepped aside from his adamant disapproval of Mudejar religious practices to explore—for a moment, pragmatically—the effect of the demographic composition of minority communities on their capacity for cultural resistance. He recognized that his arguments would not only have to be based on legal reasoning but also on the current situation in Iberia.²⁴ He was one of the few jurists who looked at the larger landscape, acknowledging that the Mudejars lived under different conditions than Muslims in dar al-Islam and proposing a typology of Muslim communities

situated in dar al-harb that assessed their resiliency as factors of size, isolation, and homogeneity. This schema distinguished the risks and responsibilities that Mudejars faced in Christian Spain by arraying their communities into three categories: those dispersed as enclaves in the Christian environment; those more unified but still consisting in a minority amidst the infidels; and those larger communities in which Muslims were the majority. The first type was the most vulnerable to acculturation while the last was the least so.²⁵ However, in a neat turn of logic, Ibn Rabi' insisted that the more resilient kind of community (he probably had Valencia in mind) was—withstanding its inherent strength—the more reprehensible for its decision not to pack up collectively for dar al-Islam.

This typology demonstrates awareness on the part of some jurists that the conditions under which Mudejar communities lived in Christian Spain differed from region to region. However, rather than considering how Mudejars belonging to these different communities might protect themselves against Christian culture or deterioration of Arabic and Islamic learning, Ibn Rabi' ultimately fell back on his ideological stance: No Mudejar exclave could be condoned. No matter his nuances and sophistication, Ibn Rabi' aimed first and foremost to discourage any Mudejar from justifying residence in Christian Spain. P.S. Van Koningsveld and Gerald Wiegers, who discovered the fatwa, believe that Ibn Rabi' was targeting the leaders of a late-thirteenth-century Murcian community, recently conquered, that had just signed a treaty with its new Christian overlords.²⁶ A Mudejar mufti—in the Dutch scholars hypothesis, from Murcia—had claimed to be able to “manifest Islam” in Christian territory. He also had argued that his residence there was permissible, because otherwise, the land would be “devoid” of the Islamic message. A Muslim student had approached Ibn Rabi' and asked him how to argue against the Mudejar mufti. The jurist attacked the mufti's arguments one by one, adducing specific examples to show that forbidden situations and corruption of religious practices were actually occurring. He pointed to the deterioration of Mudejar observance of Islamic law and contended that certain inhabitants had already lost their knowledge of Arabic. They had become, as it were, acculturated, adopting the Christians' clothes, language, and “despicable” habits. Ibn Rabi' also brought up the treaties between Christian conquerors and Mudejars that legislated respect for the latter's property rights and freedom of worship,

but that, he maintained, Christian officials abrogated soon enough.²⁷ In light of these reversals, how could one ensure the safety of the Mudejars' families and property and the integrity of their religion?

His censure was sweeping. Not only did Ibn Rabi' refute the Mudejar faqih's arguments, he also assassinated his character. One was dealing here, the jurist intimated, with a man practicing law in Christian Spain who had willfully distorted the law to suit Mudejar desires. He knew the command to emigrate to dar al-Islam yet feigned ignorance. Worse yet, this dubious person "had pretended" to be a jurist and had performed *ijtihad* of the law. In Ibn Rabi's eyes, the faqih had read the law arbitrarily, and such a scholar should be regarded "as sinful in his application of *ijtihad*." This usurpation and arbitrariness made him a sinner.

Ibn Rabi' was attacking a rare bird—rare, that is, within the surviving evidence: a Mudejar faqih who had defended his own and his community's Islamicity. We can imagine that other Mudejar learned men, or even willing or accidental Muslim visitors to Christian Spain, voiced similar opinions and argued for the legitimacy and efficacy of the local guardianship of Islam. Perhaps they incurred similar denunciations.

Ultimately, the Maliki jurist denied any possibility of a gray zone. The mufti might well claim that without faqihs Iberia would be devoid of the Islamic message. Ibn Rabi' countered that he and his fellow Mudejars were violating the obligation to keep the Islamic confession of faith "removed from the foolish talk of infidels and scorners." A subjected religious community could not immunize itself from derision: "a journey to their country shows that the contrary is the rule in this case."²⁸ Furthermore, Ibn Rabi' insisted that even if the Mudejar learned elite had the capacity to resist the enticements of another religious culture, they were wrong to risk exposing the common flock to the dangers of cultural and religious dissipation. "Important and intelligent people will not fall victim to this," he mused, but "who will protect the small and the ignorant when their [Christian] sages and their satans are put in charge of them?" As far as Ibn Rabi' was concerned, then, it was better if Christian Iberia lacked totally in the Islamic message. There was to be no debate, no proselytizing. For Mudejar faqihs to be guardians of Islam was a contradiction in terms.

Approximately a century later, a distinctly different form of communication from that between Ibn Rabi' and the putative Murcian mufti occurred

between Maliki jurists and Mudejar scholars. A late-fourteenth-century manuscript copied by a faqih in Terrer (Aragon) preserves two sets of religious and legal questions, with their answers. The first correspondence preserves an exchange between the Granadan mufti al-Haffar (d. 811/1408) and Aragonese faqihs living in the Ebro Valley. In 1392 several Mudejars traveled across the southern border to submit twenty legal questions to this jurist.²⁹ Several copies of his answers were made and circulated among the Muslims in the constellation of small towns scattered along the river.

The second series of questions records Mudejar consultation of the jurist Ibn Miqlash (late fourteenth century), a mufti active in Oran (modern Algeria), possibly in the mid-fourteenth century. Ibn Miqlash had issued a fatwa, which I will discuss, prompted by the arrival in North Africa of a penitent Mudejar emigrant.³⁰ This Ahmad Abu 'Abdallah b. Muhammad b. Salama b. Jamil, bewailing how his life had been tainted by his residence in Christian territory, had sought absolution. He had informed the jurist of the conditions under which the Mudejars were living at the time and had also, presumably, delivered to Ibn Miqlash five questions—all concerning times and places of prayer—that had been asked by the Muslims of the *thaghr*, the Andalusian Arabic term for those residing on the Aragonese frontier. The Oran jurist's answers were appended to the fatwa he issued.³¹

Ibn Miqlash is a fairly obscure figure.³² So are the circumstances through which both his fatwa and his answers to the Mudejars' questions traveled between Oran and the Ebro Valley. The fatwa, however, was clear from the start. It opened with an apocalyptic denunciation of the Mudejar faqihs: "The Prophet informed us about our [present] age and of its evils and about the innovation, deceit and misguidance that transpire in it and of the disappearance of knowledge to the point that people take ignorant leaders who cause mischief without knowledge and lead people astray and are themselves led astray."³³ The tone was set for a somber reflection on corruption. Ibn Miqlash did not attempt, as Ibn Rabi' had, to discuss the vulnerability of a subjected community from a demographic, cultural, or even jurisdictional perspective. Nor did he harp on the incapacity of Mudejar leaders to protect their communities from external threats. Rather, this North African jurist turned to the spirit.

As do the majority of fatwas directed at the Mudejars, this fatwa centers on hijra, but Ibn Miqlash is referring to the inner hijra, the escape from

evil to God. Al-Ghazali (450–505/1058–1111), an influential figure among North African scholars, had written in his *Bidayat al-Hidayah*: “Muhammad (may God bless and preserve him) said “the true hijrah is the flight from evil, and the real *jihad* is the warfare against one’s passions.”³⁴ Drawing on al-Ghazali, Ibn Miqlash related emigration and struggle: “hijra is a category of *jihad*.”³⁵ Still following Al-Ghazali, the jurist asserted that the inner *jihad* had four components: to enjoin the good; to forbid evil; to hate the evil ones; and to “fight well.”³⁶ He focused primarily on the third aspect, which he found most relevant to the Mudejars and their inner *jihad*. The “evil ones,” not surprisingly, were the Christians.

Next to the influence of the theologian al-Ghazali, that of Sufism is evident: Ibn Miqlash describes the *jihad* as the struggle of the good soul against the evil soul (*al-nafs*) or baser self. It is a recurrent theme throughout the fatwa that the Mudejars are losing their *jihad* against Satan. The jurist implores God to help the Mudejars in following the sunna (Islamic law) and to “release the soul from the plots of Satan.”³⁷ Ibn Miqlash assumed the duty incumbent upon a learned Muslim: warning the Mudejars of precisely how the baser self had thus deceived them. The *nafs* had conjured up for them “a friendship toward [people with] whom God ordered to cut off relations” and it had deceived them into thinking that “fraternizing with the infidel” was a sign of humanity, rather than a sign of evil.³⁸

Ibn Miqlash adduced three reasons accounting for the Mudejars’ choice to remain among Christians. They lacked *sabr* (forbearance), *qanā* (contentment or trust in God), and *ghayr* (vigilance or jealousy). Being devoid of these virtues, they also lacked true faith; their baser selves had triumphed, making impossible a pious life of pilgrimage toward God. Here Ibn Miqlash related to one another the two hijras, the outer hijra, the migration from the land of the infidels to dar al-Islam, and the inner hijra, the spiritual journey to God. The former would have been a manifestation of the latter, enabled by it. With the help of *sabr*, they would have trusted God to take care of them during whatever trials and tribulations emigration might have brought along. If they possessed *qanā*, in the spiritual sense, they would be content with God and with what God could provide and not feel bound to worldly possessions. And if they had vigilance, *ghayr*, they would be truly horrified at exposing Islam, and the word of God, to

the ridicule of the infidel. Enabled by the inner hijra, the outer hijra should have been the Mudejars' inner jihad.

As we shall see in chapter 6, an Ebro Valley Mudejar faqih drew in his preaching almost diametrically opposite consequences from al-Ghazali's "warfare against one's passions" and the notion of *sabr*. For this preacher, the Mudejars' quiet inward struggle—an inner jihad—qualified them religiously, irrespective of outward hijra.³⁹ For the Maliki jurist, however, they had failed in their jihad. They did not trust in God to provide for them. Once again, the jurist argued, the Mudejar's "evil soul deceives him" and leads him to believe that if he emigrates to Islamic lands he will not have the same quality of life that he enjoys in the "land of the unbeliever."⁴⁰ Ibn Miqlash was not alone in believing that grasping materialism—the unwillingness to sacrifice lands and property in Christian Spain—and a lack of trust in God was behind the Mudejars' decision to stay in dar al-harb. All the jurists referred to it.

The primary responsibility of the learned Muslim, the 'ulama', is to guide the less learned, answer their questions, and, by informing them of the duties of a pious believer, prevent them from doing wrong. Scholars often claimed that this ethical duty to "command right and forbid evil" was their manifestation of jihad. Sultans with their armies performed their jihad with the sword, and the common people with their heart, but the 'ulama' fight against injustice and evil by the tongue or the pen. Ibn Miqlash made clear to his Mudejar readers that this was precisely what he was doing in admonishing them to emigrate. He wrote at the end of the fatwa: "I invoke God as my witness that I gave advice and clarified. You asked a question and I answered you. God gives the ignorant the duty to ask God for a guiding scholar so that he learns. God said 'Those who conceal the clear [signs] We have sent down, and the Guidance, after We have made it clear for the people in the Book—on them shall be Allah's curse, and the curse of those entitled to curse.'"⁴¹ The sharpness of Ibn Miqlash's rebuke to the Mudejars was proportional to his anguished sense of mission as a guardian of Islam.

With scorn, Ibn Miqlash concluded that the Mudejars had confused their priorities, placing too high a price on material well-being, as opposed to spiritual and familial values. He put it bluntly: "What is worse than one who does not take care of what is sacred, neither his religion nor his

wife?”⁴² Using the Arabic word for “guard” that signifies “guard jealously,” Ibn Miqlash emphasized the duty to zealously protect what was sacred to Islam:

He who lives in Christian lands does not care for what is sacred. He turns from guarding the faith because he mingles in the feasts of the infidels and openly worships images. With respect to their women, his wife is a slave to the Christian and she subjects herself to him every day. If it should happen that a grief befalls her husband, she must seek refuge in the house of her lord and request favors of him and his power prevails. Oh what evil fortune.⁴³

It was deplorable that a Mudejar’s wife should be forced to beg protection from her Christian lord, potentially at a ruinous price. Equally outrageous to Ibn Miqlash, though, was what he perceived as the Mudejars’ amicable relationships with their Christian neighbors. In what must have been his most cutting accusation, the jurist denounced this scandalous behavior, saying that there would be no thanks given to the *jahid* (a Mudejar performing jihad) who fraternized with the infidel.⁴⁴

Unlike the majority of other fatwas that discuss the Mudejar’s residence, Ibn Miqlash’s ruling did not dwell on the legal or jurisdictional status of the Mudejars. Nor did it address the status of the Mudejar faqih as qadi or imam, or even the adherence of the Mudejars to the fundamental obligations of the Muslim to fasting, prayer, and *zakat* (taxes). But the jurist took on the issue of Mudejar protection and guardianship directly, and in terms that must have made many a Mudejar faqihs’ heart sink. The faqihs had failed in their duty to “enjoin the good and forbid evil.” Despite touting themselves as scholars and guardians of Islamic values, they had not embraced the “scholars’ jihad”: their obligation to inform the Muslims of the fundamental tenets of their faith. They had led their people—the “small and ignorant”—into error.

Yet for all this fire and brimstone, Ibn Miqlash did offer the errant faqihs materials to lead back the “small and ignorant” out of error. Here we meet the paradox that forces us to go beyond the dichotomy of rigorists versus pragmatists. Sometimes between the lines, sometimes within the lines themselves, the same jurists who excoriated the Mudejars for their refusal

to leave Christian Spain advised them on how to remain good Muslims, and even good faqihs, if they did not emigrate. Two models of guardianship were in play here: the rigorism that applied a legal-political filter to each question and the pragmatism that took into account the lived experience of Mudejars.

The manuscript that preserves Ibn Miqlash's text, copied by a Mudejar faqih of Terror, Muhammad al-Morabeti, will be discussed in more detail in another chapter.⁴⁵ Of relevance to this paradox are the questions to, and answers from, Ibn Miqlash and al-Haffar that this Aragonese faqih copyist appended to the fatwa. Their contents, and even mere existence, suggest that the divide between Mudejars and the Muslims in dar al-Islam was not nearly so wide as the fatwas can make it appear. Outside of the juristic discourse, there was contact, often sympathetic and cooperative.⁴⁶ Muslim scholars in Granada and North Africa would shuttle back and forth to dar al-harb to teach and advise Mudejars. And, regardless of the disapproval (and occasional denunciations) they must, by now, have come to expect, Mudejars continued to seek advice from Islamic experts in dar al-Islam. Over the years they posed questions of increasing complexity, clearly hoping to fulfill their obligations as good Muslims. They asked about translation of the Qur'an or Qur'anic commentary, the separation of family in emigration, the sacrifices—financial or personal—that were required of a Mudejar. Legal mechanisms like duress (*ikrah*), necessity (*darura*), and public welfare (*maslaha*) that jurists could apply, or that Mudejars sought in order to excuse their residence in dar al-harb, probably appeared more often.⁴⁷ In fact, the stock question was poignantly simple: "Is it permissible not to emigrate considering that (. . .)" A circumstance that might prevent a Mudejar from emigrating would follow. The standard response from the mufti would indicate recognition of these circumstances: "It depends whether (. . .)"

Usually the permissibility of remaining in Christian Spain "depended" on whether the Mudejars could afford to leave. But sometimes it came down to a conflict in obligations. For instance, al-Haffar was asked about a Mudejar man who wanted to emigrate to dar al-Islam but admitted that he still owed his wife her dowry (*sadaq*) in Christian territory.⁴⁸ Under these conditions, the Mudejar wanted to know whether he could fulfill his obligation to emigrate. Given that the majority of Mudejars knew of the

command to emigrate, it was only natural that this would be perceived as a dilemma. Which obligation should come first? Emigration or the payment of debts?

Al-Haffar offered a measured response: the spouse was permitted to emigrate as long as he, or she, did not owe the other spouse a debt—such as when a husband was obligated to pay his wife's dowry. In allowing for the separation of the couple, the Granadan jurist explained that “*religious* interests (*maslaha al-din*) must prevail over *this-worldly* interests (*maslaha al-dunya*).” However, this was no excuse for shirking an important debt. Al-Haffar proposed a very broad criterion for Mudejar decision making, which we may consider characteristic of the pragmatists and will encounter again with al-Mawwaq.

Some jurists, however, were clearly intolerant of the Mudejars' conflicting values and duties. When a faqih asked him whether he might stay and work on behalf of needy Mudejars, al-Wansharisi made it plain that “even though someone resides in dar al-harb for lofty purposes, he exposes himself to degradation.” The faqih must emigrate. There were no more “it depends” for al-Wansharisi, with the single exception of the Maliki line that the ill or disabled were excluded from the obligation to leave.⁴⁹ Ibn Miqlash also showed impatience with Mudejar questions. When asked by Aragonese faqihs about the regulations of prayer prostration, the North African jurist raged that the religious practices implied in the question constituted *bid'ā*, that is, innovation, and were thus absolutely reprehensible. Reiterating Ibn Rabi's assertion that the “small and ignorant” could not protect themselves, Ibn Miqlash implied that the Mudejar faqihs had been negligent, transmitting error, not knowledge.⁵⁰ In tension with this, though, was Ibn Miqlash's set of answers to the Mudejars' queries, returned “with precise and detailed clarification,” because the Mudejars were responsible for protecting themselves from ignorance of the law.⁵¹ From different vantage points, the jurists raged over principle, upheld principle, explained principle, but also offered guidance for the exclave predicament.

A different interpretation of the way in which a Mudejar leader could protect his community comes from the pen of Muhammad al-Mawwaq (d. 897/1492). Possibly because of his own position as spiritual leader in the besieged Granada of the late fifteenth century, al-Mawwaq entertained a notion of guardianship that was more flexible and more responsive to

the reality of Christian domination and the constraints that a subjugated people might face. Like other jurists, al-Mawwaq ultimately affirmed the Maliki norm and admonished Mudejars to emigrate to dar al-Islam if at all possible. But on the road to this categorical imperative, he did not ignore the capacity of the individual Muslim to cope with extenuating circumstances. If a Muslim did enter dar al-harb, he should be “the faqih of himself.” His deeds would be judged on their own merits. The traveler to *dar al-harb* must show discretion and must “distinguish the good deed that presents itself from the bad one that [might] befall.”⁵²

To demonstrate how such mastery of self might operate for the Mudejars, al-Mawwaq offered an anecdote concerning a famous fourteenth-century Muslim sheikh, a Sufi scholar and leader living in territory conquered by the Christians. The Muslim sheikh continued to conduct his meetings in a *zawiya* (place of meeting for Sufi scholars) after the conquest, even allowing an interested Christian official to attend. Whenever this man visited, the sheikh moved over “to make room by his side” so that the religious outsider might join the scholarly circle, despite the fact that Muslims historically harbored grave doubts regarding contaminated knowledge and public exchange with Christians.⁵³ Having been criticized by a student wary of such intercourse and concerned with the possibility that an infidel might distort Islamic beliefs, the sheikh maintained that his hospitality and overt compromise had their uses. When the student himself suffered an injustice at the hands of the Christians, the sheikh simply “made room by his side” and asked the official to rectify the wrong. Needless to say, the student’s attitude toward the sheikh’s tactics changed and his master’s pragmatism became less blameworthy.⁵⁴

Al-Mawwaq’s narrative encapsulates much of the ambivalence that Muslims felt toward modes of survival under Christian hegemony. The jurist implicitly argued that calculated stratagems allowed for one form of guardianship of Islam in this unfavorable politicoreligious context and that such an approach called for discriminating choices and willingness to compromise. Al-Mawwaq was aware of the implications of cultural intercourse, and knew that boundaries between religious communities became more ambiguous and clouded by contact. His anecdote was meant to show how the dismantling of barriers (or “making space”) between Christians and Muslims constituted one strategy for protecting the flock. Ibn Rabi‘ and

Ibn Miqlash were more suspicious of the capacity that infidels had to exact various forms of cooperation and compliance from exclave communities.

Al-Wansharisi was less willing than any of his colleagues to accept and explore sympathetically the Mudejar predicament. Like the three jurists mentioned above, he discussed the viability of a Muslim exclave and considered whether the Mudejars were sufficiently resilient to withstand the influences of non-Muslim culture. His examination of their situation, however, was highly elaborate and more rhetorically structured than any of the others. Drawing on the metaphor of the community as a physical organism, Al-Wansharisi depicted the Mudejars' separation from dar al-Islam as a form of disembodiment. Indeed, he took this feeling to the level of social abstraction. Through their voluntary exile, he argued, the Mudejars severed themselves from the umma. Integration into another body politic led to a diseased Mudejar community. Al-Wansharisi wielded his arsenal of cutting metaphors with consummate art to infer that such severance constituted secession from and rebellion against the umma. He focused on two characteristics of the Mudejars—their materialism and disloyalty—and ended up depicting Spanish exclaves and the Spanish Muslim diaspora not as communities but as congregations of individual rebels.

The Mudejars protested that the conditions of their lives made it impossible to emigrate; al-Wansharisi accused them of being disingenuous. They might complain that they could not support themselves in dar al-Islam, but it was a “fallacious supposition [that things were bad in North Africa].” He argued that Fez was large enough to accommodate the Mudejar emigrants and that their worries were baseless.⁵⁵ Unwilling to condone the Mudejar as a hero or guardian of Islam, Al-Wansharisi promoted the opposite interpretation: the Mudejar as collaborator. The Mudejars had effectively spurned the ties of loyalty and faith that bound a Muslim to his (proper) community in favor of the ties of integration into a foreign and infidel society, substituting material comforts for obedience to Islamic authority.

Al-Wansharisi believed that the Mudejars had made the wrong decision. He cited Qur'anic verses that condemn harmonious coexistence—very much what some Spanish historians would idealize as *convivencia*—as an illness of the heart.⁵⁶ He portrayed Mudejar enclaves as diseased, and cohabitation with Christians as a weakness of faith. Haunting al-Wansharisi's writings was his fear that the Mudejar exclave was a loose and threatened

appendage of the body religious, estranged from the moral center, and separated from dar al-Islam by more than a geopolitical frontier.⁵⁷

Significantly, the main thrust of the fatwa literature was not the call to reconquest or retribution against the Christians. Jurists expended more energy in convincing the Mudejars to emigrate than in vilifying Christians. Nor did the religious scholars call for a militant resistance against infidel oppressors (although others did). In the juridical discourse the issue of jihad was typically overshadowed by debates over the issues of guardianship, vulnerability of exiles, and feared integration into Christian culture. In a time of crisis and change in the Mediterranean political landscape, a unified umma was considered the principal source of strength and resistance for the Muslims. Consequently, the majority of jurists who concerned themselves with the Mudejar predicament in the fourteenth and fifteenth century drew a sharp line between dar al-Islam and dar al-harb. Rather than send the Mudejars inspirational treatises on jihad, many jurists offered images of violation and humiliation to impel the Mudejars to join the umma on the right side of the Muslim-Christian frontier.

Jurists who also chose to answer Mudejar questions outside the fatwa discourse stepped into a pragmatist role in these circumstances, preferring to treat the Mudejars as they would Muslims in rural provinces, supervising them through delegates (*na'ib*) held accountable to a central authority.⁵⁸ In their view, Muslims who lived on the periphery of dar al-Islam were no less Muslim for their questionable choice of residence. Jurists must have maintained contact because they believed it was in the best interests (*maslaha*) of the Mudejar community that they do so.

To identify what were the “best interests” of the community clearly raised a dilemma for North African and Granadan religious scholars—both from a legalist and cultural point of view. We know of a Granadan qadi who was unhappy when the sultan renewed a peace treaty with the Christians, but in the end agreed for the good of the community.⁵⁹ According to the laws of jihad, peace treaties were not to extend beyond seven years. Yet because the peace obviously benefited the Mudejars, this legal norm was set aside by the qadi. Some jurists were reluctant to impose a legislative grid on what was clearly a complicated situation. They were more willing to permit Mudejars to decide what was beneficial for themselves and their communities.

The fifteenth-century jurist al-Mawwaq responded to a Granadan Muslim who deliberated whether to visit his parents in Christian Spain or stay home, avoiding the dangers of entering into dar al-harb.⁶⁰ Al-Mawwaq first conceded to this Muslim that another jurist had recognized certain legitimate motives for crossing into Christian territory (such as proselytizing). He then added that “one must compare the benefits [*maslaha*] that bring him to the land of war with the harm he expects.” That al-Mawwaq uses the term *maslaha* is significant. We shall recall that almost a century earlier, al-Haffar had reminded a Mudejar, who likewise struggled with the question of whether to reside in Muslim or Christian territory, that religious *maslaha* should prevail over this-worldly *maslaha*.⁶¹ The underlying purpose of this jurist’s fatwa was to counsel the Mudejar in what constituted this-worldly and religious.

Regardless of their respective opinions concerning the Mudejars’ dependence on their infidel lords, all the jurists recognized these Iberian Muslims as members of the Islamic community. Such categorizing of the Mudejars was simultaneously inclusive and exclusive: inclusive in the sense that these men and women, even if marginalized by Islamic authorities, were considered part of the umma and exclusive in the sense that they were separate and of peripheral status by virtue of either their choice to live in Christian lands or the circumstances that kept them there. To state the matter tentatively, these shifting criteria maintained in contradictory coexistence during the fourteenth and fifteenth centuries a plurality of competing juristic interpretations of what it meant for Muslims to be living on the edge of Islamic society. From the vantage point of an orthodox-centered umma, some jurists regarded the Mudejar as an inferior Muslim (potentially ignorant, corrupt, illegitimate) and refused to condone in any way the viability of a Mudejar Islam. On the other hand, many Maliki scholars, however rigorist, recognized that the Mudejars faced difficult situations that required them to exercise judgment. Their dilemmas were not all of their choosing. Some jurists proposed the criterion of *maslaha* as a means to distinguish between the evil and the lesser evil. Simultaneously, one might, like al-Mawwaq, give the additional counsel that the Mudejar should be “a faqih of himself.” Others did not offer any sort of compromise solution: al-Wansharisi countered that the Mudejar was a “rebel” from the Islamic community and Ibn Miqlash dismissed the Mudejar as one who

was not protective of the sacred, although he still sent back north a series of counsels.

In summing up, we should resist two temptations. The first one would be to assume that the currently available fatwa evidence reflects the medieval distribution of juristic opinion. Given the randomness in survival chances, and in light of the fact that more rulings still lie dormant in both the archives of Spain and those especially of North Africa, we cannot state as fact that the actual Maliki majority position leaned in the direction of rigorism rather than pragmatism. The second temptation would be to imagine that a unidirectional trend unfolded over time, from rigorism to pragmatism or vice versa.⁶² The jurists' opinions depended on context. But one thing is quite clear. There was intense discussion—on both the theoretical and practical levels—about dwelling under infidel rule, and the ways in which local Muslim faqihs might lead and protect their minority communities. This debate was never settled. It still feeds the world of Islam today and intersects with contemporary agonies about hijra and jihad.

The discussion influenced the Mudejars' leadership. Christian Spain's faqihs heard that fleeing from the oppression of the infidel constituted an act of faith through which one could prove one's loyalty to Islam. Incumbent upon Mudejars who "were able," emigration was often presented as the substitute for jihad and the proper course of resistance to a subjugation that demeaned and humiliated.⁶³ It was not one of the five pillars of Islam, but Maliki authorities elevated it to an ideal. The individual Mudejar was not to place himself in a vulnerable position, especially if it was possible to escape submission to the infidel and instead submit to Islam. Yet Christian Spain's faqihs also heard the Maliki trot out criteria for proper guardianship. Some legists presented grounds for nonemigration and others, in the very same fatwas that vehemently pleaded for emigration, gave explicit or implicit guidance to the subjected minorities. Most jurists expressed specific concerns about the infidel environment's effects on the faithful; these concerns were simultaneously counsels.

The jurists' fears were not completely ungrounded. Indeed, it was difficult even for the Mudejar faqihs, and not only for their flocks, to follow sunna and shari'a. It entailed overcoming daunting obstacles as well as making adjustments and devising strategies unnecessary in Islamic polities. Like other Mudejars, the local leadership had to contend with taxes, court

disputes, debts, and laws all ultimately controlled by Christians. These constraints conditioned their religious lives and hampered their movements. Immersion in the infidel environment thus had two consequences for the faqihs. By itself—and this process has been well studied—it forced them to manage the coexistence of their communities with Christians. But it also rendered problematic the acquisition of the qualifications that the Maliki required of any legitimate man of the law. Texts, most importantly legal primers, were less easily accessible than in *dar al-Islam*. As we shall see in following chapters, Mudejars actively hunted for such documents, then copied and circulated them. They compensated for the sporadic nature of contact with intellectual circles in the Islamic world by creating intense local scholarly networks.

Through their efforts to educate themselves, to observe normative religious practices, and to disseminate the law through usage, preaching, and teaching, these faqihs sought to refute the stereotype of the Mudejar as a degenerate Muslim. They aspired to the ideals of their profession as “heirs to the prophet.” Issues of authority—of adapting the law, of fighting acculturation, of living *jihad*—that the jurists brought up in their writings preoccupied them on a daily basis. In this continuing process the Mudejar faqihs came to function as cultural mediators, affirming the principles espoused by a normative Islam while conscientiously adapting Islamic practices to meet the needs of a minority community. Ultimately, it was the Mudejar faqihs’ struggle, in the spirit of a *jihad*, “to give advice” and “strengthen the faith” that explains the long-lasting survival of Islam in Christian Iberia.

CHAPTER TWO



From Dar al-Islam to Dar al-Harb *Landscapes of Mudejar Spain*

The step from the Maliki jurists and their discourse to the Aragonese landscape is not an easy one. The fatwas that they issued may seem to have barely affected the lives of the hundreds of thousands of Muslims living in Christian Spain. After all, the chief thrust of their rulings—the command to emigrate—was ignored by most Mudejars. Many jurists wrote as if they had little knowledge of Mudejar life, little sense of the actual threats to Mudejar Islam, and little understanding of the ways in which Mudejars handled these menaces.¹ And, due to the nature of the evidence, we have hardly any sense of the texture of the personal contacts a Maliki mufti had with Mudejars. The circumstances under which al-Haffar, or even Ibn Miqlash, communicated with Aragonese Mudejars, and the grounds for their evident accessibility and willingness to dialogue with their Spanish brethren, cannot be recovered. Did they know more than their fellow jurists, or were they simply more empathetic to the Mudejar plight? Al-Wansharisi, who fumed about Granadan Muslims' reluctance to suffer hardships by resettling in North Africa after 1492, said nothing about the reception his fellow North Africans gave to the refugees.

The jurist who came the closest to engaging the Mudejars' actual situation, Ibn Rabi', wrote in the late thirteenth century. We described his fatwa in chapter 1.² The ruling's most recent exegetes have pointed out its definitive tone: Ibn Rabi' himself may not been a direct witness to events in Christian Spain, but he trusted that his informants were reliably familiar with the Mudejar predicament. He referred to the twelfth- and thirteenth-century

Reconquest treaties between Christians and Muslims, which had quickly been broken by the infidels, as well as other historical examples of Christian breaches of trust—such as the ill-omened tenth-century settlement in Crete after the Byzantine reconquest of the island—that underlined the fundamentally precarious position to which a Mudejar subjected himself, treaty or no treaty.³ The Cretan case inspired radical and systematic pessimism for the future of any community under infidel rule: Ibn Rabiʿ reminded Mudejars that the immediate effect of the treaty's violation had been the Christianization of the island.

Although unsympathetic to Muslim residence in *dar al-harb*, Ibn Rabiʿ did recognize regional variations. By his account, there were three types of Mudejar communities: those that were fractured among a majority population of Christians into a plurality of small enclaves, those that were more unified but still constituted a minority amidst infidels and large communities in which Muslims constituted the majority of a region's overall population. This typology did, in fact, correspond roughly to actual Iberian configurations in the thirteenth century, as reconstructed by modern historians. The jurist's model still applied two centuries later—the period with which we are concerned. By the fifteenth century, Castile to the west was sparsely populated by Mudejars. Valencia to the south boasted the highest concentration of Mudejars, approximating best Ibn Rabiʿ' s third category.⁴ Aragon proper resembled the second case figure.

Ibn Rabiʿ gauged these minority communities' capacities for resistance to assimilation on the basis of demography and homogeneity. Mapped back onto Iberia, his prognosis turns out to have been apt—although it has its limits. The first configuration, the jurist observed, was most susceptible to cultural invasion.⁵ And indeed, Castile, with its scattered settlements and few Muslims overall, proved over time to be the most vulnerable. By the fifteenth century, the majority of Castilian Mudejars seems to have largely lost knowledge of Arabic, dispersed itself within infidel society, and assimilated.⁶

As the jurist's third configuration predicted, the Iberian regions that boasted a majority of Muslims, most prominently Valencia, had less trouble in maintaining a homogenous culture, and, when necessary, in meeting occasional oppression with active resistance. Valencia's Muslims comprised one third of the total population two hundred years after its conquest. They

spoke a dialect of Arabic; the region's scholars maintained a high level of literacy in the sacred language of Islam, continuing to write it and correspond in it throughout the fifteenth century. These Mudejars were primarily monolingual; many Valencian communities, especially in rural areas, remained isolated and resiliently Muslim.⁷

Curiously, Ibn Rabi' did not expand on the second category: dense clusters of Mudejars living in principally Muslim communities, yet in a region where they did not reach a demographic majority. On the Iberian map this middle configuration best describes fifteenth-century Aragon (whose Muslims represented one-fifth of the total population), and more specifically, the Ebro Valley region, rich in settlements populated by Muslim farmers, artisans, merchants, and scholars. The larger towns of Aranda and Vilafeliche were, respectively, 50 and 75 percent Muslim inhabited.⁸ Slightly smaller rural towns, like Terrer and Savinán, also showed a 50 percent population of Muslims.⁹ And some of the smallest towns (Morés, Jarque, Il-lueca) had an overwhelming Mudejar majority.¹⁰

Thus, placed comparatively next to its Iberian neighbors, Aragon falls in a paradoxical middle. Having lived cheek by jowl among Christians for centuries, the Mudejars were conversant in Romance. Yet Aragonese bilingualism did not mean that Arabic literacy among the religious scholars had disappeared in the fifteenth century. At the level of the Muslim elite in Aragon, in fact, Arabic literacy was comparatively strong. And while Aragon was not in as close a proximity to Islamic territory as Valencia, the province's Mudejars maintained close ties with their coreligionists further south.

Ibn Rabi's typology serves as a useful point of entry into the Mudejar landscape. According to his fatwa, the Mudejars' resiliency depended on the degree to which Mudejars lived in homogeneous clusters. Homogeneity created a shield that protected them from the deleterious effects of constant interaction with Christians. Contact would wear down Islamic values, like a much-handled piece of fabric in the marketplace. But fifteenth-century Iberian reality was considerably more complex and varied than Ibn Rabi' could have envisioned two hundred years before.¹¹ There was more to cultural decline or resilience than intercourse with the infidel. The Mudejars' vulnerability (and, conversely, their ability to resist) would depend on several other additional factors—among them, the professions they pursued, their linguistic abilities, their resources, their mobility, their solidarity, and

the cultural and political shifts they endured as a subjugated population. Clearly, the strength and qualification of its religious leadership was vital to any Mudejar community's observance of Islamic values and practices as well as to their sense of Islamicity.

Many parts of Valencia, with its high density of Muslim population, were quite homogeneous and retained well their language and religion. Yet this depended on far more than local demographics. Adherence to traditional modes of Arabo-berber social organization, which ranged from endogamous marriages to local feuding to *'asabiyah* (group kinship and solidarity), fed the communal cohesiveness and insularity of Valencia's Mudejars. In his study *Muslims of Valencia* Mark Meyerson points to the complexities and seeming contradictions that lay behind such forms of solidarity during the fifteenth century; although these Mudejars fought frequently among themselves, they came together when their identity or resources were challenged.¹² Castile, the kingdom that best fits Ibn Rabi's third category, sparsely populated with Muslims, seems indeed to have been more vulnerable to acculturation. And yet there were regions in Castile, like Hornachos, that resemble in their resiliency the largely self-sufficient communities of Valencia.¹³ Aragon, too, admitted a diversity that forces the historian to go beyond the jurist's categories. The Ebro Valley's dense clusters of Muslims must have helped these Mudejar populations to protect Islamic ways, hold onto their Arabic, and produce and support local religious scholars—the men who, in turn, kept Aragonese communities in touch with their Islamic faith.

Yet many of these Aragonese Mudejars were simultaneously well-integrated into the Christian economy. Infidels and Muslims could share so much of their everyday lives that a modern scholar has exclaimed, "The [Aragonese] Morisco accepted being Spanish in everything but his religion."¹⁴ Many were artisans and merchants, some of whom built impressive dynasties in the trades. They shared a comparatively harmonious relationship with local Christians. Calatayud, a town whose case we shall return to, presents a fascinating contradiction to Ibn Rabi's typology. Although only 2 percent Muslim, the town boasted prominent faqihs who were as well educated as their counterparts in the Ebro Valley. As late as the sixteenth century this scholarly elite were penning Arabic texts, including contracts: compelling evidence of an active Islamic culture.¹⁵

Historians have explained in various ways these divergent regional trajectories, beyond Ibn Rabi's factors of demographics and homogeneity. Differences in Christian-Muslim dynamics have, for instance, been attributed to the way the lands were conquered. Indeed, prevailing relations between religious communities, the violence or ease of the shift in power, and local economic conditions factored in to how Muslims readjusted to living under Christian rule. Valencia was taken over in bellicose fashion. Aragon, on the other hand, underwent a comparatively gentle takeover a century earlier.¹⁶

In all these lands, postconquest, the faqihs' role was largely unchanged. Christian authorities assured their Muslim subjects that they could continue to rule their communities according to Islamic law (*shar'ia*), and faqihs, as recognized leaders among the Mudejars, maintained their status as legal experts. Mudejar scholars spread themselves over the positions that demanded knowledge of law, of Arabic, of religious tradition. When Muslims chose, or were compelled, to litigate in Christian courts, and when those cases involved the application of Islamic law, a faqih was consistently present to witness and guide the process. When Mudejar parties settled a dispute before a Christian official, a faqih would draw up a legal document in Arabic to record the agreement. A faqih might work as legal arbiter, settling disputes among Muslims according to Islamic law; he could serve as imam (prayer leader) or khatib (preacher). Other scholars worked specifically as notaries, drawing up Arabic contracts and other legal documents. Some migrated from position to position, stepping in as an imam for Friday prayers and traveling in the meantime to other communities as a legal expert. When the *aljama* elected a procurator to represent the community's financial interests, this responsibility was often accorded to a faqih. Finally, a faqih might occupy the position of qadi.

A rough quantitative assessment of the faqihs active in the fifteenth century may be illuminating. By this point in time, the Aragonese Muslim elite was a reconstituted leadership. Its earlier history is complicated and, in some periods, obscure. In the wake of the twelfth-century Christian takeover of Aragon, there occurred a veritable brain drain toward areas still securely Muslim.¹⁷ One of the few contemporary sources that sheds light on early Aragonese migration—Ibn al-'Abbar's *Takmila*—tells us that members of the literate class closely affiliated with the celebrated court

culture of the *taifa* period of the late eleventh century had relocated south to Valencia and Murcia (regions that in the twelfth century were still Muslim) or Granada rather than live under the infidels.¹⁸ Some—the exact figures are unknowable—of the poets, medical doctors, and mathematicians who relied on Muslim patronage had resumed their careers in these places.¹⁹ Modern historians have taken issue with the number of migrants implied in the *Takmila*.²⁰

The sources for elite emigration out of Valencia are marginally better. Its historians can turn to the *Libros de Repartimiento*, which record the division and distribution of property to Christian settlers in the thirteenth century. While these records can be fruitfully utilized to track the Christian settlers arriving into the province, they also occasionally cite names of Muslim elites who relinquished their Valencian properties, thus offering more data on the migrations of the ‘ulama’ in the postconquest era.²¹ Tracking the movements of Valencia’s ‘ulama’ is further complicated by subsequent revolts (e.g., 1276), waves of migration and resettlement, and sporadic Granadan invasions. These sources bearing on Valencia may be dubious and difficult to handle, but at least they exist. We have far less documentary evidence regarding the early movements of the Aragonese elite.²²

Even where we have sources, a numerical count is complicated by the fact that not all the faqihs were “official.” By “official” we mean those men who appear in the Christian archives because infidel authorities recognized the offices they occupied—when they served as qadis or notaries or arbiters. Their salaries were often paid by Christian institutions. Next to these “officials” there existed as well many imams and khatibs we can consider “unofficial,” though they might have disputed this designation. Careers as imams and khatibs, and these men’s expertise as Islamic scholars or legal experts, often fell beyond the purview of Christian institutional structures, ensuring in this case that the infidel archives have kept little trace of them. There existed as well many independent and itinerant Muslim scholars, faqihs who might rotate positions as notary or as imam and who traveled between Mudejar communities, teaching and preaching in the local mosques. These faqihs appear sporadically in Mudejar Arabic texts but rarely in the Christian record.

No matter the scarcity of our data, the faqihs’ geographic distribution appears to be roughly consistent with what Ibn Rabi’s typology, mapped

onto Iberia, would lead us to expect. Valencia's faqih population was numerous. Large Valencian morerías, like Xativa, needed many faqihs to run community Islamic affairs. These populations, actually, were so substantial—and so Muslim—that faqihs were critically important as mediators and administrators.²³ Christian officials delegated to Mudejar legal experts the daunting task of computing inheritance taxes for their fellow Muslims, for example.²⁴ Faqihs varied in number from region to region, in Valencia especially, but they seem ubiquitous—serving as mosque caretaker, arbitrating disputes, hunting down and exchanging texts. As a cadre of legal scholars, these faqihs proved both useful and irritating to the Crown. Christian officials solicited their help in handling disputes between Muslims, but were often annoyed by the autonomy that they exhibited. In 1418 Alfonso V charged: "There are some qadis, faqihs, and alamins who are in our cities, towns, and royal jurisdictions [who] do not know our laws and rules. . . . [They have been found] to be dispensing justice of sunna and shari'a in the baronies, cities, towns, and villages of lords and others, without having a license."²⁵

Valencia's proximity to Islamic lands also meant that non-native scholars from North Africa became colleagues of the Mudejar faqihs. These scholars came to Christian Iberia through captivity, seized on the Mediterranean's waves and coasts by corsairs avid for rich ransoms. Imported faqihs contributed in notable ways to the dissemination of Islamic learning among the morerías.²⁶ Although the Spanish archives do not tell us all we wish to know of the Mudejar scholars' intellectual lives, they provide vivid glimpses. One such document concerns a judicial inquiry into a black faqih from Tunis, Abdallah. This unwilling denizen of Christian Spain was charged with aiding and abetting a runaway Muslim captive. The accusation engagingly narrates Abdallah's travels through Valencia, studying and exchanging texts with other faqihs. This evidently charismatic *molts bon* (very good) faqih had been captured by Christians, repaid his debts by collecting alms for the Mudejars who had ransomed him, and then led the life of an itinerant teacher in Valencia, which involved reading and borrowing manuscripts.²⁷

In contrast to Valencia, Castile appears as a relative desert. Gerard Wiegers, who completed the most thorough investigation to date of any Mudejar faqih, Iça of Segovia, was able to identify few contemporary faqihs who

might have belonged to Iça's intellectual community. Drawing from an impressive array of surviving sources, Wieggers painstakingly reconstructed Iça's motivation, theology, and literary production. He surmised that Iça was not alone in his enterprise of the translation of Arabic texts into *aljamiado* Romance and that it was likely other elite Mudejars, also literate in Arabic, worked to transmit and preserve Islamic traditions for their communities, most of which were non-Arabic speaking. But it is difficult to put faces on the majority of Iça's educated colleagues.²⁸ Nor is it apparent how Iça even acquired a traditional Islamic education. This opacity may be due in part the records for Castile, which both in Spanish and in Arabic are notoriously sparse. Alternately, Castilian lands may have hosted comparatively fewer among the Muslim intellectual elite or their Mudejar savants may have been scattered and less visible than their counterparts in Aragon and Valencia. Sixteenth-century Inquisition records suggest as much. They show Castilian Moriscos turning to their Aragonese brethren to learn Arabic and for instruction on how to say their prayers, fast, purify themselves, and dissimulate their faith.²⁹ In their light it appears that fifteenth-century Castilian Islam was relatively weaker and relied on a reduced number of educated faqihs.

As for Aragon (and especially the Ebro Valley, which best conforms to Ibn Rabi's second configuration as a zone where Muslims were a minority but gathered in dense homogenous communities), it teemed with faqihs in the fifteenth century. Despite the migration of intellectuals that followed the Reconquest, it is clear that a community of scholars had regenerated itself since the twelfth century. Recent local studies allow a reasonable quantitative estimate of the regional Mudejar religious elite. On the basis of hundreds of Christian documents preserved in the locale of Calatayud and neighboring Ebro Valley towns, Francisco Javier García Marco drew an occupational map of the region's Mudejars, inventorying professions ranging from brickmakers to tailors and merchants or construction workers and other skilled laborers. He also identified the offices these Muslims held, if any, within their communities. His painstaking combing of the Christian archives has uncovered over sixty faqihs active in the *moreñas* of the Ebro Valley.³⁰ Further north, in Huesca, a town that boasted a strong concentration of iron welders, blacksmiths, and professions or trades in metallurgy, 9 percent of the Mudejar tradesmen can be identified as faqihs.³¹ The larger,

densely populated *morerías* contained more scholars, probably in proportion to the need to run affairs in an Islamic way.

Even settlements where the Mudejars constituted a small minority could have substantial contingents of Muslim legal experts. Calatayud is a striking example. In terms of Mudejar density, it was dwarfed by *morerías* like Villafeche or Huesca: the population dwelling within its borders was, as noted earlier, only 2 percent Muslim.³² Yet it was home to numerous *faqihs*. Their disproportional numbers can be explained by the town's role in the regional economy. Calatayud stood at a crossroad, so was a hub for trade. Commercial vibrancy as a general rule fostered *faqih* activity: Calatayud's scholars were in demand as notaries to draft contracts between Mudejar parties and between Mudejar and Christian parties. They also traded or worked as artisans, not an abnormal pattern for Aragon.

In a broader study, Asunción Blasco Martínez has traced Muslims who worked as notaries in the kingdom of Aragon during the fourteenth and fifteenth centuries. She has commented upon her own search that to find *faqihs* in the Aragonese archives is akin to looking for needles in a haystack, but the numbers she came up with are revealing. Eighty-eight Mudejars were referred to as *faqihs* between the fourteenth and fifteenth centuries. Among these men, many evidently worked as notaries—either officially as royal appointees to the position or as freelance notaries, Muslims who drafted documents for their communities yet were not recognized by the Crown.³³

Both Blasco and García Marco largely relied on Christian Spanish sources. Their Mudejar Arabic documentary counterparts can complete this tally. Many *faqihs* that appear within the Almonacid collection's numerous items and in other less rich clusters of documents can be traced to *morerías* in the Ebro Valley. Mudejar scholars can also be identified through the Arabic contracts that they drew up as notaries. One also meets scholars in the folia of the few judgments issued by Mudejar *qadis* that are preserved in Arabic. Even numerically richer are the colophons that identify the Mudejar scholars who copied texts for their own learning and edification and circulated them. Most of the *faqihs* whom I have identified through these colophons served as imams or mosque preachers or traveling scholars. A few (if only a very few, but they are still remarkable) were captive scholars from Islamic lands who ended up in Aragon, akin to our

Valencian Abdallah.³⁴ A good number of these men never appear in infidel records and thus could be considered as fully “unofficial.” These faqihs possibly steered clear of Christian officials and courts—one suspects that some of them did so purposefully. Tallying all these data, well over one hundred faqihs were active in the Ebro Valley in the fifteenth century. In this region the average Mudejar community can be estimated to have supported at least three to five faqihs. By the fifteenth century, then, Aragon had recovered from the loss of religious elites following the Reconquest.

This reconstituted faqih leadership drew its strength and ability to maintain Islam both from its community’s strong integration in the Christian environment and from its own carefully cultivated distance from it. This dialectic has escaped most historians of Aragonese Islam. Mudejar bilingualism has been read as cultural, religious, and linguistic (*vis-à-vis* Arabic) weakness, a weakness encompassing the local scholarly elite. Peaceable relations between communities have also suggested accommodation. Conversely, several historians have regarded these faqihs as inert and idle because the learned leadership kept its distance from service to the Crown and so does not appear in royal archives as much as it would otherwise. Studied aloofness from political authority was a classic stance in *dar al-Islam*, however, a self-positioning made more critical under infidel governance. The Aragonese faqihs appear to have found balance between engagement with Aragonese society and the kind of self-distancing typical of Islamic ‘*ulama*’ elsewhere.

This paradoxical tension is best visible in the Ebro Valley. In this corner of Aragon, in whose commercially and industrially vibrant economy the Mudejars participated, with trading and contractual labor networks extending outward into Castile and Valencia, integration with the Christian environment correlates with the presence of an active and learned Muslim leadership. The local faqihs often belonged to Mudejar communities in constant interaction with infidels, locally and translocally. Accordingly, like their flocks, they moved easily between languages, Spanish Romance and Arabic. Like their own relatives, Aragonese faqihs would have met and dealt with Christians on a regular, perhaps daily basis.

Yet the faqihs simultaneously and self-consciously held true to an ethic that set them apart. They were literate in Arabic. They regarded themselves as guardians. They set themselves apart through their education and

devotion to Islamic scholarship. And, adapting the traditional prescriptions for their profession, many of them steered away from offices that would have necessitated appointment by the infidel or would have meant that the judicial decisions they laid down could be overturned by Christian courts of appeal. As for their own status as legal experts, it was the straightforward opposite of that of a political nominee (for instance, lieutenant qadi or *alamín*).³⁵ One came to be a faqih through community recognition as a man of integrity and knowledge.

One sees this very clearly with a dynasty of Aragonese faqihs that Francisco Javier García Marco found embedded within a prominent artisan family of Calatayud, the Domalich. Using primarily Christian notarial sources, García Marco showed how such extended Mudejar artisan families in the Ebro Valley diversified their business, one avenue for them to retain their hold on trade in the area. One branch of the Domalich family developed expertise in—and ultimately held a monopoly on—the plaster and cement trade. Another branch of the family became well known locally as rich in master architects and construction managers: in 1486, ‘Ali Domalich was granted a generous commission by Cardinal Mendoza to restore a palace in Guadalajara; at the end of the century, Mahoma de Fariza, the most active artisan in the family, was recognized for his work on Santa María de Mediavilla’s bell tower.³⁶

Not an atypical Aragonese clan, but García Marco’s research also meticulously tracked the less conspicuous religious scholars embedded in this family. Over several generations, the lineage continuously produced faqihs. Ibrahim and his brother Musa followed in the footsteps of their father, ‘Ali, a faqih and head of the family, who had emigrated to Calatayud from Ariza in the late fourteenth century. A nephew (also named Musa) continued the tradition. The kindred both supported the bookish pursuits of its scholarly members and benefited materially from them. For a family as commercially active as the Domalichs, it must have been expedient to have lawyers at hand to secure their financial interests. We see thus Musa, the master builder, and Musa, the faqih, teaming up in 1483 to authorize the sale of properties by a guardian of four underage heirs whose father had died in debt. That the property belonging to the children bordered on the property of the Domalichs and that the deceased father had fallen into debt (quite possibly to the Domalichs) over the cost of repairs suggests the Domalichs

had more than a passing interest in the power of attorney. Musa, the legal expert, would have had the necessary training in Islamic contract law to authorize and issue the Arabic document.³⁷ Musa also occupied the office of procurator in 1484 and again in 1487, thus enabling him to represent the legal and financial interests of the *aljama*.

These Domalich faqihs, then, lived both in the world and in the mosque. Like its counterparts in Islamic lands, the Mudejar learned elite throughout Aragon were active in more than one profession. Faqihs belonging to social and familial networks involved in artisan and construction trades naturally assisted their family businesses when possible. Their relatives had good reason to nurture and support them. Assuming procuratorships (powers of attorney) in trading ventures, agreeing to loans or taking on debts, and striking commercial contracts with both coreligionists and infidels all required literary and legal training. At the same time, though, the Domalich faqihs kept themselves at a distance from the dimension of the environment that would hold the greatest risk of tainting their honor or reputation. Their nonfaqih relatives were very active in local politics; ten of the twenty-nine public civic positions, such as those of *alamin* and *adelante*, appointed yearly were occupied by a member of the Domalich family.³⁸ The clan's faqihs, in contrast, rarely occupied public office.

The Domalich faqihs' tendency to avoid positions clouded by the authorization of and subservience to the infidels seems to have been characteristic of the generic Ebro Valley Mudejar scholar.³⁹ Self-consciously beholden to the upholding of sunna and shari'a, the majority of the religious leaders we shall encounter in the following chapters did not occupy *aljama* offices other than those of notary, imam, khatib, and arbitrator.⁴⁰ Influential civic offices such as the *alamin* and *adelante* were left for other members of the community to fill. This blanket avoidance of the official positions that answered to the Crown was probably a reaction to the loss of independence that the Maliki jurists castigated and bemoaned. As we know, Christian authorities had abrogated some or all of the provisions of the surrender treaties; regional lords and officials revised these postconquest pacts through various *fueros* (laws); yet other terms were slowly eroded by the constant grassroots tug-of-war characteristic between institutions whose competencies happen to overlap.

And the positions associated with the practice of Islamic law, such as qadis, notaries, arbiters, or imams, had come to be altered, some more so

than others. Normatively seen, one of the faqihs' classic tasks—the notoriously difficult division of inheritances according to Islamic law—was thrown off by the interference of Christian officials who ordered the local faqihs to tally the inheritance taxes owed to the Crown.⁴¹ At any point, a religious scholar might be compelled to act against Islamic law itself or be restrained, by Christian law, from practicing their profession and following sunna and shari'a. The most glaring obstacle to the practice of Islamic law was the Crown's superior jurisdiction. All cases involving Mudejars were liable to be ultimately judged by the King.⁴² As early as the thirteenth century, royal officials encouraged Mudejars to avail themselves of Christian courts as a forum for arbitration and appeal. When Mudejar parties took this option, royal officials relied on the counsel and corroboration of local faqihs, in Aragon proper as well as other regions of the Crown of Aragon, to interpret and arbitrate disputes. Christian officials realized that the stature and legal expertise of a skillful faqih allowed for more efficient resolution, and they would summon such faqihs to the scene of a dispute.

Among the many modifications imposed upon Islamic legal tradition, the case of the office of qadi, though, was a particularly egregious violation of Islamic judicial structures. In Christian Spain Mudejar qadis lost competency over many criminal procedures, a subject we will discuss further on. But the trouble went beyond jurisdictional strangulation. In Aragon, specifically, the Mudejars struggled with an absentee qadiship. Many of the towns in the Ebro Valley and in Aragon in general that fell under royal jurisdiction were under the jurisdiction of the chief qadi of Valencia, an office occupied by the Bellvis family for generations. Members of the Bellvis family were highly visible and pivotal figures in Valencia. The Bellvis clan filled the office of chief qadi for several generations and regulated legal processes in regions as far away as Castile, mediating, both officially and informally, between Mudejars and Christians.⁴³ For Aragon, a lieutenant qadi was selected, a choice often vetted by Christian officials, thus making it a controversial and suspicious office. Although the evidence is scattered, it appears that the Aragonese faqihs chafed at the notion of being appointed by Christian officials to the position of lieutenant qadi. The faqihs preferred the community to select them. Logically, then, they asserted the right to refuse appointments conferred by Christians. Had not the jurist al-'Abdusi pronounced it allowable for a Mudejar qadi to have authority in

his community if he had been elected by its Muslims themselves?⁴⁴ Conversely, an infidel appointee had no standing.

Problems further north in the Aragonese city of Huesca also underline the faqihs' determination to avoid those offices that might blacken their reputation as guardians of sunna and shari'a. One scholar, nominated by the Christians, point-blank refused the office of lieutenant qadi.⁴⁵ Huesca's Mudejars wanted to retain the privilege to choose their own officials, so much so that Juan I, in 1391, agreed that no Mudejar need accept the office of lieutenant qadi, and he imposed a penalty of five hundred morabetines of gold for those who violated this mandate. Nevertheless, thirteen years later, in 1403, Queen María insisted that one Mudejar, Culeyman Dalbaho, accept the office, claiming that he did not have a convincing reason not to accept the position.⁴⁶

Before turning to this chapter's conclusion, one must emphasize how the faqihs' studied avoidance of local political posts made them disappear from the view of the Christian archives, and encouraged modern scholarship's tendency to deny them authority—and, in fact, to say little about them. The Arabic documents they penned, copied, and circulated, however, allow the historian to reconstruct their engagement—not so much with the Christian institutional environment as with local Islamic life, Islamic normative tradition, and the wider horizons of dar al-Islam.

The Domalich and Huescan faqihs' attitudes thus makes sense. Their outlook had been shaped by a secular process of transformation in the Iberian 'ulama's position, incepted in the twelfth century with the Christian Reconquest and the successive betrayals of the initial treaties between conquered and conquerors. Modern scholars have circled around the issue of Muslim resilience under infidel rule, especially in light of the widespread failure of the Catholic rulers' sixteenth-century attempts to force the Mudejars to convert to Christianity. Socioeconomic integration did not translate into assimilation, still less into religious collapse. To explain this, historians of Castile, Valencia, and Aragon have suggested that translocal bonds fed local Islam.⁴⁷ As described in the following chapter, such links straddled the boundaries of the Christian kingdoms and even the frontiers between dar al-harb and dar al-Islam.⁴⁸ One can spell out more fully the dual effects of networks involved in integration. If we look again at Calatayud, its position at a geographic crossroad linking the Ebro Valley's morerías, and its

strong connections to neighboring Mudejar settlements enabled Muslims not only to participate fully in the local economy but also to nourish their Islamic identity. On the one hand, then, networks fueled economic vitality. On the other hand, even when they involved dense contacts with infidels, they also tied together the Mudejar archipelago's many communal islands and, beyond them, linked Iberia's subjugated Muslims to dar al-Islam. The same vectors that could make for acculturation conveyed Arabic texts, learning, knowledge, and fatwas. It is to these networks that we now turn. Key to the survival of Iberian Islam, they are also one avenue to understanding the faqih elite.

CHAPTER THREE



Transmitting Knowledge and Building Networks

Born to a line of educated, itinerant scholars, the polymath Muwafaq al-Din Abu Muhammad ‘Abd al-Latif al-Baghdadi followed the family habitus. After increasingly advanced studies in hadith, linguistics, and grammar, he journeyed to Mosul, eager for more sophisticated learning. Teaching and studying took him further afield to Damascus, then Jerusalem, then Cairo. After Saladin’s death in 1193, another round of itinerancy led al-Baghdadi to Jerusalem, Damascus, Turkey, and back to Baghdad, where he died. His autobiography, which details these circuits, centers on books read, memorized, and taught, on prestigious masters sought, found, weighed and occasionally found wanting, and on scholarly and political patronage.¹ Such literary accounts, called *rihla*, present in vivid detail the medieval Muslim scholars’ *talab al-‘ilm*, the search for knowledge that brought them to all corners of the Mediterranean and Eastern Islamic lands.²

Al-Baghdadi’s *rihla* presents a scholar-adventurers’ map of meaningful contacts, apprenticeships, and texts. No such cartography has survived from the sundered archipelagoes of Mudejar Islam. Scholars have up until now been able to state very little about the Mudejar scholarly community, how it forged connections, how it collected and exchanged books and manuscripts, what the faqihs discussed among themselves, or what they worried about. Three centuries after the Reconquest, what sort of scholarly community did the Mudejars sustain under infidel rule? How did they get their books and how did they educate themselves? How far afield did they

travel, or alternatively, how local was their scholarship? The codices once penned by Christian Iberia's Muslim 'ulama' are almost our sole guides to this intellectual commonwealth. Much is missing, yet surprisingly much is present. And in drawing up the inventory of Mudejar books read and copied we can begin to map these scholarly relationships—the works that traveled across Iberia and the men who carried them and fostered networks to find and share knowledge.³ Rihlas of a sort can now be imagined.

We begin with the taciturn surviving evidence. Documents traceable to faqihs include dated contracts (including teaching contracts), pedagogical exercises, and accounts of personal transactions. A few faqih letters have also survived. But the majority of Mudejar Arabic manuscripts still extant comprise copies of prayers, contract formularies, and especially canonical Maliki texts. Scholars transcribed them and circulated them among their colleagues. Sometimes the labor of reproduction was individual, sometimes collaborative. For instance, an Aragonese Muslim scholar, 'Abdallah ar-Recli, spent part of the year 1450 copying a commentary on a legal compendium, the *Kitab al-Tafri*, while his student, 'Abu al-Hajjaj, looked over his shoulder.⁴ The *Tafri* stood a hefty 154 folios. In 1451 'Abdallah continued his work by copying a set of questions and answers by Ibn Rushd. This text was not long, but he seems to have stopped midway so as to let his student Abu al-Hajjaj try his hand. Abu al-Hajjaj finished Ibn Rushd's text and then copied a short grammatical work by Abu Ishaq Ishaq Ibrahim b. Ahmad al-Baqari.⁵ Abu al-Hajjaj dedicated this labor to his mentor, the "venerable imam" and "the most distinguished and learned faqih." There was pride in pedagogical lineage. Unlike the biographical literature (*tabaqat*) from dar al-Islam, which traces the careers of individual scholars and recounts their tales and their ideals, the biographical data for most of our Aragonese faqihs resembles that of this student-teacher team. They are flashes in the dark.

That we can at all put names on these two men is thanks to colophons, cursory addenda that indicate the date on which the work was completed and the locale where the text was copied. In some cases the scholars penned in a few additional sentences, such as the dedication of Abu al-Hajjaj to his mentor—laconic but sometimes precious data. P. S. Van Koningsveld broke methodological ground fifteen years ago when he showed that these details allow us to approach where and how widely Arabic manuscripts

of the later Middle Ages circulated within Muslim and Jewish minority circles.⁶ Accumulating and classifying this data would enable us to see, he proposed, whether Arabic medical manuscripts—prized possessions before the Christian Reconquest—were still circulating in the later Middle Ages.⁷ The colophons could also give us a sense of geographical disparities—more such texts were copied in small rural enclaves, for example, as opposed to major cities. Or the colophons could indicate which segment of Mudejar society was involved in the transmission of Arabic texts and which branches of Islamic knowledge were most popular and widely disseminated among Muslim minority communities.⁸

Van Koningsveld's approach is ground for optimism that a careful, philologically sensitive scrutiny of the fragmentary surviving evidence can yield more than hypotheses.⁹ The texts that we can trace to Aragonese Muslim scholars can tell us what Islamic scholarship the faqihs copied and studied, whether they were interested in law, medicine, or poetry. They indicate whether these scribes copied these texts meticulously, selectively, sloppily, whether their level of Arabic was rudimentary or whether it was advanced. Colophons indicate names and dates, who copied what legal Maliki treatise and where. Occasionally it is even possible to estimate how many days or months it took these faqihs to reproduce a manuscript. And, in some instances, it is possible to follow a Mudejar faqih's scholarly peregrinations to Islamic lands and back.

This information is all the more critical given that we have so little else. Subsequent chapters will rotate this scarce evidence and examine it from several angles, in the hope of demonstrating how the Mudejar exclave nurtured its Islamicity and adapted, creatively, to its environments. The present chapter tries to glean from the colophons a clearer picture of the activities of individual Aragonese scholars, of the transmission of books and knowledge within their families, and of their collaboration with other learned men or mentorship of younger Muslims. Because copied books lead to networks and networks to copied books, and because networks consist of people, the exposition will shift between individuals, groups, and codices.

For the most part, the detective work entails collecting as many references as survive to an individual Mudejar faqih or to a family of faqihs. Oftentimes, only one or two documents can be traced to a single man. In other cases, clusters of documents, or correlations between dispersed ones,

enable us to roughly diagram a larger group of scholars. Sometimes a paper trail takes us across a region, or regions of Spain, following faqihs' scholarly networks, finding out where they picked up texts and learning what they chose to copy or happened to acquire. Or we find ourselves in the homes or mosques of the faqihs, where, stationary, they copied and collected texts that came their way. Evidence that seems frustratingly laconic can sometimes yield fulfilling details of the faqihs' activities.

For example, historians have puzzled over a short mid-fifteenth-century colophon. It spells out that in June 1447 a student copied a series of fatwas in a madrasa located in the Muslim quarter of Zaragoza.¹⁰ The expression indicates the presence of an educational infrastructure in Aragon. But whether the *madrasa* was an exclusive institution, designated mainly for the elite families of the immediate Zaragoza area, whether it was an institute where Mudejars studied Maliki *fiqh*, specifically, or a more general religious studies curriculum, remains beyond our knowledge. It is especially tantalizing since references to madrasas are wholly absent for the much richer and populous Valencia. The fatwas, however, seem to have been issued by an early fourteenth-century Granadan mufti. How they had made their way to Zaragoza from Southern Spain is unknown, but the fact is that they did.

This is suggestive of some sort of network between Aragon and Granada. But we shall first reconstruct one scholarly family, the Calaveras of Savinaœn, discuss their books, mobility, and education. Their papers lead in turn to an individual who mentored one of them, namely, the medical doctor and scholar Abu 'Abd Allah Muhammad al-Ghazi, to another familial group whose networks were oriented toward Navarra, the Cordovi, and to a team comprising two faqih relatives and namesakes, the elder and the younger Muhammad al-Morabeti. In between sections devoted to these persons and groups I discuss how and why Muslim people and texts could travel within Christian Spain and beyond. This discussion will be interleaved with a return to the Granadan link, with a look at connections between Valencia and Aragon. A final section will be devoted to the shadowy traces of a network operating between the Aragonese Ebro Valley and northeastern Castile.

We begin, then, with the Calaveras. They constitute a particularly apposite case study of a Mudejar scholarly family, not only because we have

comparatively more manuscripts that can be attributed to them but also because these texts span a large century, from the late fourteenth to the early sixteenth century. This line of faqihs can be traced through both Arabic and local Spanish records. The earliest visible member, Muhammad Calavera, first appears at the end of the fourteenth century in the folia of an Arabic codex belonging to Muhammad al-Morabeti, who indicated that Muhammad b. Muhammad Calavera had made the journey to Granada to submit twenty questions to the Granadan mufti, and then subsequently made a copy from al-Haffar's copy of the set of questions and answers.¹¹ A century later Muhammad Calavera's probable grandsons or great grandsons, the faqihs Musa and 'Ali Calavera, emerge as active local scholars. Musa Calavera (dates of birth and death unknown) wins the award for the most Arabic texts traceable to one scholar. His full name is at times spelled out: Musa b. Ibrahim al-Qurashi-Araguni-Sabinani-Jamjami. Meaning, he was the son of Ibrahim, a member of the Qurashi family from Savinán in Aragon. Sometimes Musa refers to himself, in Arabic, as Musa al-Jamjami which, literally translated, means "skull." The Spanish version of the family name, Calavera, which appears in Romance as well as Arabic script, has the same meaning.¹² Skull may imply intellectual inclinations, but, in any case, the coexistence of Calavera and Jamjami reflects the comfortable bilingualism of the fifteenth-century Aragonese faqih. In this and other respects, Musa can be considered a representative figure. Bilingual, and embedded in his local culture, he also traveled in search of knowledge.

Musa Calavera moved back and forth between Valencia and Aragon. In 1501 he was sojourning in Paterna (Valencia). There he jotted a note in Arabic "to remind" himself that he had given his host, Ahmad, forty sueldos. During that same stay in Valencia, Musa copied a commentary on a classical Arabic grammatical work (the *Alfiyya* of Ibn Malik) as well as a text on the vocalization of the Qur'an (*qira'a*).¹³ He absorbed some of these lessons, for still another document in Arabic survives, also dated to 1501 (but in May), in which Musa wrote out a poem and an exercise rehearsing Arabic grammatical syntax.¹⁴ In 1514 Musa copied a juridical text of Ibn al-'Arabi and, confident of his grammatical proficiency, commented in the margins that the text he was copying was replete with faulty language (*lahn*) and lacunae.¹⁵ In 1515 Musa was still alive, for he penned an Arabic-language contract.¹⁶

Back home in the Ebro Valley, Musa's brother, the less well-traveled 'Ali, also collected and studied Arabic texts. 'Ali b. Ibrahim b. 'Ali al-Qurashi, known as Calavera and Jamjami copied the *Risala* of Ibn Abi Zayd al-Qayrawani.¹⁷ 'Ali had also inserted into this copy of the authoritative Maliki text five Arabic certificates that recorded the births of his five children between 1484 and 1501.¹⁸ 'Ali, along with his brothers (or cousins), Muhammad and Ibrahim (whose Arabic texts have not surfaced yet) worked as arbiters in the local courts in their Savinán.¹⁹ Between them, over the latter half of the fifteenth century, they settled disputes among local Mudejars and interpreted Islamic law for their communities.

Neither Musa or 'Ali's texts indicate how they were educated or where. The Aragonese Muslims had some primary schools, and could contract with teachers for their children.²⁰ But in this specific case, it is likely that the Calaveras availed themselves at first of the simplest available means. The father, Ibrahim, was a faqih himself. He probably took care of Musa or 'Ali's education. Fathers did not only transmit their Arabic texts to their sons or younger cousins or nephews; they also were the next generation's primary source of knowledge. Some young Muslims, though, were better groomed than their siblings. For example, although 'Ali Calavera had at least five other children, he seems to have paid special attention to the education of his son Musa (his uncle's namesake). In 1498 'Ali, in Savinán, copied some religious literature (hadith and sections of canonical Maliki texts) and dedicated his work to this specific son.²¹ Musa, however, may have been the same young scholar who was assigned to the tutelage of Ibn Rabi' and who translated with this mentor a list of Arabic notarial terms from the well-known formulary (*watha'iq*) of the Andalusian scholar Ibn Mughrit.²² Perhaps the young man—scion of a lineage of faqihs—had grown up speaking Romance, and his father had sent him off to the prestigious notary-scholar Ibn Rabi' to learn notarial terms in Arabic.²³ In his case, familial mentoring was capped with nonfamilial tutoring. As we have seen before with Abu Hajjaj and his teacher, "the venerable imam" 'Abdallah ar-Recli, mentorship must have been one of the chief ways in which Aragonese children were educated, especially those from scholarly families who might be expected to take up the family profession. We are reminded of al-Baghdadi, whose father entrusted his son to an old classmate to study linguistics.²⁴

Outside the family, education could be the purview of the community or could be contracted for individual youths. The local imam may have assumed, as one of his duties, the teaching of Mudejar children. Several surviving texts refer in passing to a *mu'allim* (teacher). In the sixteenth century despite the Inquisition's deployment against the Moriscos, these *mu'allims* were still active clandestinely, some sedentary, some itinerant.²⁵ This term probably denotes the equivalent of a grade school teacher, not a practicing Islamic legal scholar. In 1499 the Alfamen community in Aragon contracted Yusuf al-Monastiri al-Balansi to fulfill the position of public scribe and overseer to the mosque for one year as well as to teach the children of the community.²⁶ Several fragments of legal formularies survive for the Ebro Valley, which provide for the opening of a school or for contracts between teachers and parents.²⁷ Inquisition documents also indicate that Arabic primers for children circulated. In the early seventeenth century still, an Aragonese Christian Spaniard could complain, "The books of this sect and its rituals and superstitions is a bottomless sea. In every house, in every corner, they have some, right down to little cards and alphabets for children with Mohammad's commandments, put into rhymed couplets, along with the other heresies of his poisonous doctrine."²⁸

Some of these *mu'allims* appear in the record as members of tightly knit informal brotherhoods. A fifteenth-century will drawn up by a faqih, Yusuf al-Shabili, in Guadalajara (Castile), across the Aragonese border, records the deathbed scene of a young Mudejar. In 1440 Yusuf al-Shabili was summoned to the bedside of one of his students, the son of a teacher named Abdallah al-Zajardo, to notarize a bequest.²⁹ The dying man asked that fifteen of his Qur'ans be given to the faqih of Medinaceli. He also directed his executor or testator (*wasi*), his teacher Ibrahim al-'Ashiri, to distribute one-third of his possessions in alms and to give the remainder to those that were deserving, according to the canonical laws of Islam.³⁰ Finally he indicated that the inheritance that his father had willed to him was to be returned to his father. While his death bed requests were being notarized, the Mudejar was surrounded by his father, a *mu'allim*, the executor of the will, also a *mu'allim* (and possibly the young man's mentor), another teacher, Ibrahim Abu al-Mu'ayyad, who served as a legal witness to the bequest, and the faqih Yusuf. The Muslims involved were obviously educated, and the family of the dying was one of some means. Fifteen Qur'ans could not have

come by cheaply. This social standing may explain the significance attributed to formalizing the young man's wishes according to traditional and classical standards. The son of Abdallah al-Zajardo was a devout Muslim; he wanted to express his piety at death in ways sanctioned by the Qur'an and by legal tradition.

The Calavera faqihs challenge the long-held assumption that Aragonese Mudejars had lost much of their Arabic by the fifteenth century. 'Ali and Musa were clearly literate in this language. They were not alone. Many other faqihs in the Ebro Valley region at the end of the fifteenth century were writing primarily in Arabic. For them, evidently, Arabic literacy was fundamental to their professional lives. These scholars read Islamic legal texts in Arabic; they recited Islamic sermons in Arabic; and, above all, their reputation as Islamic scholars would have been integrally tied to their ability to function well as an elite and educated corps in the language of Islam. At the same time, though, as we have said, Musa and 'Ali were comfortable in their bilingualism. It was fine to bear the Romance nickname Skull along with the Arabic original, Jamjami. And Musa wrote some of his notes in aljamiado, a development that was beginning to gain momentum just at the end of the century.³¹

These family papers provide yet other fascinating clues about the education and scholarly pursuits of Mudejar faqihs. The best-known document in the Calavera trove is a 1495 Arabic letter that Muhammad al-Qurashi wrote from Zaragoza to his teacher in Belchite (Aragon), Abu 'Abd Allah Muhammad al-Ghazi.³² It recounts what Muhammad was studying at the time and states that he was (as all students should) diligently tracking down his mentor's request for specific texts. Al-Ghazi had requested that Muhammad send him the commentaries of al-Jaziri.³³ Muhammad explained that he had left a copy of the text back home: "I [in fact] have only one copy of the commentary on scattered papers . . . and was so stupid and foolish as to leave [behind] these fragments in my hometown without making a copy."³⁴ The younger man not only rued his lack of foresight; he was also miffed at having to wait for some "sermons" he had requested of a Mudejar faqih in Navarre. He "had sent a letter to the Cordovi so that he would send [them] to me and as he is a man of little confidence and credit, he did nothing with my letter."³⁵ Muhammad al-Qurashi tried to put a brave twist on these mishaps. He had finished a commentary on a medical poem

by Ibn Sina, and would now, he said, devote himself in earnest to “the lecture of the first book of the *Qanun* with God’s help.” He admitted that Ibn Sina’s famous medical textbook would not be easily cracked: “I must exert myself day and night to reach my goal of understanding [Ibn Sina’s] Logic and Philosophy.” Muhammad al-Qurashi gratefully replied to what had evidently been Muhammad al-Ghazi’s words of encouragement, thanking him for “your friendly questions about my situation and how far my studies have come closer to the goals I had set for myself.”³⁶

It is not clear how Muhammad was related to the other prominent Calaveras of his generation—Ibrahim, ‘Ali, and Musa—but perhaps the “hometown” where he had been “so stupid and foolish as to leave behind” al-Jaziri’s fiqh commentary on notarial formulae was Savinán, the base of these other “skulls.”³⁷ In this case, he likely traveled back and forth to Zaragoza, where one finds him in 1492 writing in Spanish.³⁸ He was there again (or still) in August 1494, copying for “his own use” the *Mi‘yar al-‘ilm*, a work of al-Ghazali that was widely popular among the Mudejars.³⁹ It was in Zaragoza that he later became a doctor.⁴⁰ Medicine may have been Muhammad Calavera’s professional goal (which is why he labored on Ibn Sina’s *Qanun*), but his letter also indicates that his studies covered the core of a fairly standard curriculum for a well-educated Aragonese faqih.⁴¹ We know that contract formularies (for instance, al-Jaziri) and classical commentaries on sermons (such as Ibn Nubata) were popular texts, in circulation among fifteenth-century Mudejar scholars.⁴²

Particularly noteworthy is the visibility of Muhammad Calavera’s scholarly network. He may have found his mentor owing to his intellectual abilities, but most likely he acquired him through a chain of connections. The recipient of the letter, Muhammad al-Ghazi, was an eminent physician and scholar. His own social web would have allowed him to introduce Muhammad Calavera to the Cordovi, undoubtedly a member of the important Cordobi clan in Navarre, with whom he may have been in regular contact.⁴³ Muhammad, like intellectuals in dar al-Islam, was “seeking knowledge” by mobilizing his social capital.

That a number of Arabic texts belonging to different source genres can be traced to the possession of the Calavera scholars offers a first glimpse into the resourcefulness of Mudejar faqihs. It gives as well a general sense of the scholarly ambitions of a generation of Aragonese religious leaders.

Indeed, the Calaveras were not unique. Other educated families exhibit the same mentoring methods and the conscientious drive for manuscript collecting. Like the Calaveras, they maintained contact with their coreligionists via an intricate network of communication and exchange that allowed them to collect, copy, and distribute texts. These exchanges were not limited to elite circles: some were local; some straddled the boundaries of the peninsula's Christian kingdoms; some operated on a wider Mediterranean scope. We have evidence of several networks linking Aragon to Valencia, to Granada, to Navarre, and to Castile.

Translocal, nonscholarly relationships served as the backbone for religious exchanges, a fact that held true even when Islam had to go underground after 1526.⁴⁴ The Arabic text traced to Musa Calavera al-Qurashi's hand, for instance, does not yield information on what precisely Musa was doing in Valencia. He may have been there in a primary capacity other than his scholarship, perhaps as a tradesman or merchant. Aragonese Muslims enjoyed an active trade with Valencian Mudejars.⁴⁵ The commercial connections of Ebro Valley merchants and artisans allowed the faqihs to extend their networks to the neighboring province. It also helped that Aragonese Mudejars enjoyed a well-integrated economic relationship with their Christian neighbors. Commercial records show that Aragonese Muslim merchants, often working with infidel counterparts or businesses, traveled at all times of the year. Without great difficulty, except during repressive periods, they could access sea ports—Valencia proper and Tortosa—and travel from there to other Mediterranean locales. Thence the luckier (or wealthier) Mudejars could pursue their scholarly dreams: seeking knowledge (*talab al-ilm*) by wandering through Islamic lands, tapping into an ummawide culture of patronage and hospitality.

Christians were increasingly vigilant of Muslims traveling in and out of the Crown of Aragon, however, and throughout much of the fifteenth century Mudejars were required to purchase a license in Valencia to travel outside Christian lands. To ensure that they would return to Christian territories, they (or their families and communities) were compelled to place a deposit or guarantee of money or properties with Christian officials upon departure. Periodically, the Crown issued legislation that flatly prohibited Mudejar travel to Islamic lands.⁴⁶ Yet the Christian archives document that Aragonese Muslims frequently traveled to Granada. When permission was

granted to them to collect inheritance from relatives or to trade with merchants there or in North Africa, they stood in the position to gather texts.⁴⁷ The merchant faqihs of Valencia also journeyed often to Granada, meeting with their contacts and relatives there. The Valencian archives show a high volume of scholarly traffic in the other direction, as well; teachers from Granada braved the dangers posed by a Christian environment to offer their skills to the Mudejars.⁴⁸

The ideal exemplified by al-Baghdadi's twelfth-century *rihla* was thus not beyond the reach of Aragonese faqihs. It lent structure to their exclave. These denizens of small towns and villages perched in Spain's northeastern highlands were not as isolated from dar al-Islam as their position on the map suggests. Some even visited Islamic intellectual centers like Cairo and Alexandria. Some made the pilgrimage to Mecca—the hajj—to return with stories, books, and, most significantly, a sense of inclusion in the Islamic world. Like their brethren from Islamic lands, they stopped along the way to buy and barter, but also, especially if they were faqihs, to meet with other scholars, join study groups, or look up a specific scholar of great repute. An Aragonese Muslim named al-Tortosini ("he from Tortosa") composed an account of his academic circuit in 1396 that gives a sense of the vagaries of fourteenth-century book collecting in the Mediterranean.⁴⁹ On his pilgrimage to Mecca he first stopped in Bugia (in modern Algeria). There he met "the venerable doctor Muhammad from Marruecos" [Morocco] who "lectured on the Qur'an and commented on the grammar of the *Alfiyya* and other issues touching on grammar."⁵⁰ Al-Tortosini listened to his lectures, voiced his admiration, and "was given a copy of Muhammad's writings as a souvenir."⁵¹ He returned to Aragon with his texts. There they were copied again and further circulated.

This orientation to Muslim lands was fueled by the Aragonese faqihs' hunger for intellectual stimulus and their professional need for classics. Precisely which texts and what knowledge the Mudejars shuttled back and forth has been until recently unclear, but judging from the surviving Arabic manuscripts, the religious-academic network in Spain fared rather well.⁵² In piecemeal fashion, through one-step contacts with dar al-Islam or through the progressive, serial transmission of copies across Iberia, fifteenth-century Spanish faqihs accumulated a sizable corpus of legal literature in Arabic alongside fragments of Islamic texts.

Long-distance travel was easier for faqihs who belonged to merchant families than for socially humbler scholars. Even those who did not sail the sea routes to dar al-Islam likely benefited secondhand from relatives' travels. Texts could be exchanged and imported. The Ripolls, the Xupios, and the powerful Bellví clan, who occupied the Valencian qadiship for over a century, were all merchant families that produced influential scholars. Abundant Valencian data concerning their faqih members make it clear that they were well-educated and retained close contacts with Muslims in nearby Islamic lands.⁵³ Further north, although our understanding of the legal scholars of Aragonese merchant families is less advanced, the faqihs of the Marguán family of Huesca evince a similar vitality and status in the mercantile spheres as their counterparts in Valencia. The Marguán clan, in fact, boasted extensive commercial contacts in the province proper, in Valencia, and beyond. One Marguán faqih even traveled to North Africa, serving as a procurator for the aljama.⁵⁴

Not every Aragonese Mudejar was able to lead a wandering scholar's life. Many would have had neither the resources nor for that matter the desire to travel far beyond the communities clustered in the Ebro Valley. Instead, they relied heavily on those coreligionists who crossed borders in Valencia and Islamic lands further south. Once imported by these more mobile brethren, a manuscript would be copied carefully and disseminated among the region's faqihs. Each scholar would reproduce the text, noting its provenance and the Mudejar hands through which it had passed. It would then often be handed down from father to son or nephew. In some cases the document may have been exclusively shared within families and between highly connected kin groups. Yet, as we have seen, Arabic manuscripts could travel long distances, especially when they were in high demand.

Networks animated by goodwill, solidarity, and trust were the mainstay of these *rihlas* of desirable texts. The Mudejar learned elites knew how much they depended for their guardianship of Islam on frail human reliability. Witness the peeved tone of Muhammad al-Qurashi to his mentor al-Ghazi: one member of their scholarly consortium, "the Cordovi," was "not to be trusted" to forward documents upon request.⁵⁵ Yet precisely because the movement of books piggybacked on the mobility of other goods, it stood strong. Its flow could be diverted or locally interrupted, but it did not cease.

Nestled close to the border of Castile, the Ebro Valley stood as a significant commercial intersection between Castile and Valencia. Along a slightly different axis, Mudejar artisans moved back and forth between the Ebro Valley and Zaragoza as well as Valencia. Such comings and goings afforded ample opportunity to develop informal contacts over the years. The colophons of the manuscripts circulating among the Aragonese allow one to see that Mudejar faqihs built their contacts along these routes, using them as the backbones for their own scholarly networks. People, texts, and information traveled efficiently over them. One Aragonese Mudejar from Arándiga in the Ebro Valley mentions that he—like Musa Calavera—traveled to Paterna in the kingdom of Valencia. There, he attended the lectures of a famous scholar from Tripoli and copied several Arabic texts of Maliki jurisprudence and theology.⁵⁶

The Calavera social and intellectual connections are comparatively visible and prestigious. Muhammad al-Qurashi's search for knowledge brought him to the best mentors. Elite status came with undeniable benefits, not least of which was a network of well-connected scholars that spread from Aragon to Navarre and probably much further. Al-Ghazi—the mentor to whom Muhammad Calavera wrote in 1495—appears to have been one of the more prominent Mudejar faqihs of the region. He manifested a wide range of intellectual interests and enjoyed privileged access to Islamic texts during his travels.⁵⁷ Some forty years previously, in 1445, a Muhammad Ghazi obtained a physician's license from the Crown. This was probably our al-Ghazi, who should be further identified with al-Ghazi, the king's doctor.⁵⁸ It may have been in this role that he procured Ibn Sina's texts, either through diplomatic pouches or on one of his many trips to Granada. His status would have also put him in contact with Jewish colleagues in the medical field, another source for Arabic medical texts.⁵⁹ If this was the same al-Ghazi, we are dealing with an elderly scholar who had an illustrious career behind him. Although not comparable to members of the Jewish or Christian elite, such socially prominent Mudejars were more apt than their less-privileged faqih brethren to travel abroad, perform the hajj, and pursue intellectual interests in the wider Mediterranean. Naturally, elite groups centered on a family networked and intersected with one another. Muhammad al-Qurashi mentioned a Cordovi in his letter. This figure can be tentatively identified. At about the time that Muhammad al-Ghazi was

in charge of the king's health, a Musa Cordovi was the Queen's physician, salaried at three hundred Navarrese pounds annually. His family held key positions in the royal courts.⁶⁰ Since Mercedes García-Arenal's study of Navarre's Mudejars, we know how much prestige and privilege the Cordovi boasted. They were among the few Mudejar families to have obtained illustrious patrons. Thanks to this, they enjoyed a relative freedom of movement in Spain's north, and this helped them sustain their Islamic connections with coreligionists in the south, despite Navarre's lack of any shared border with dar al-Islam.⁶¹

The intimation of a network of Mudejar scholars interested in medical and scientific texts—not an atypical curricular fare for those “pursuing knowledge” (*talab al-ilm*) in the medieval Mediterranean—grows stronger when we look back at the possible links to Musa Calavera.⁶² Was Musa's brief residence in Paterna related to his cousin's career? Paterna boasted its own scholarly network. In the mid-fifteenth century a faqih from Paterna returned from Cairo with a manuscript on Ptolemaic science.⁶³ And nearby, in 1480, a Valencian Muslim copied a medical work by Ibn Rushd, the *Manzuma fi-l-tibb*, a medical poem like the *Uryuza fi-l-tibb* of Ibn Sina whose commentary Muhammad al-Qurashi had studied.⁶⁴ If we are right that Muhammad Calavera and Musa belong to the same clan, the former may well have tapped into the latter's collegial connections in Valencia, extending his own medical network even further.⁶⁵

Manuscript connections lead to other clusters of scholars. The faqih Muhammad Calavera, as the remarkable colophon discussed in chapter 1 tells us, was the proximate source of the text that Muhammad al-Morabeti was busy copying in 1392.⁶⁶ This other Muhammad belonged to a small group of faqihs from Calatayud, Daroca, and Terrer who, at the end of the fourteenth century, established contact with Granada and al-Haffar. Three among them had been mandated to journey to Granada to submit twenty questions to this mufti and obtain his rulings. The Mudejar group may have taken advantage of the relatively hassle-free travel that obtained in this period to submit the queries. Alternatively, their communities may have had prior and perhaps longstanding links with Granada and carefully nurtured contacts with dar al-Islam and with a respected Muslim legal scholar who was open to communicating with and advising Mudejars. Be this as it may, the envoys returned to Aragon and circulated their copies of

al-Haffar's responses. These details suggest the existence of sustained discussions among the learned elites of the Ebro Valley, the drawing up in common of a list of issues, a coordinated embassy to Spain's only surviving Muslim kingdom (which may have involved shared expenses), and a systematic diffusion in Calatayud, Daroca, and Terrer's Mudejar communities of the mufti's authoritative rulings.

Unlike in the case of the Calavera, we do not have to chase after texts scattered in different archives to determine the places to which Muhammad al-Morabeti of Terrer traveled or the learned works he consulted. His surviving production is compiled neatly in a single codex, BN Madrid ms. 4950. Along with the results of the Mudejar consultation with al-Haffar, this codex contains the Ibn Miqlash fatwa we analyzed in chapter 1. Indeed, Muhammad fits the historians' standard profile of the faqih who copied and circulated archaic texts. He was conservative in his tastes, consonant with an *'alim* (scholar) of the Maliki school, and also typical of the average late medieval Aragonese faqih. But while he took care to copy canonical works, he also included texts of a more immediate, practical nature. Interspersed throughout Madrid ms. 4950, in a coherent and legible hand, are selections on Islamic purity law, marriage, and commercial law excerpted from larger works.⁶⁷ Muhammad likely consulted these texts in the course of his work as legal arbiter in Calatayud.

Madrid ms. 4950 preserves as well a number of legal treatises that Muhammad's grandson (or possibly grandnephew) Muhammad collected and copied during his own career.⁶⁸ The codex was passed on to the following generation and was augmented by it. Madrid ms. 4950 constituted, as it were, the al-Morabeti family's personal archive. Muhammad bin Muhammad bin Muhammad al-Morabeti—we shall call him Muhammad al-Morabeti the younger, since this was how he was known locally—incorporated in the codex further texts of Islamic jurisprudence. His additions to the codex comprise several early Maliki fiqh works, a text of Ibn 'Arabi, and fiqh chapters that deal with property law, sales, deposits, marriage, and witnessing procedures.⁶⁹ Once again, we see a mixture of the practical and the canonical in what a Mudejar scholar chose to copy.

The al-Morabeti collection may look unusual. But, as far as we can tell, Muhammad the elder was an ordinary faqih. He worked as an arbiter in the small village of Terrer, a short distance away from the more bustling

Catalayud. So did Muhammad the younger. As far as we can tell, Muhammad al-Morabeti the elder did not travel, even regionally, contrary to Musa or Muhammad Calavera. His records make it clear that he gathered these texts for his personal library. Perhaps he was considered a connoisseur of books. That he was a book owner seems to have been known locally.⁷⁰ This diligent collector of texts exemplifies the homebody faqih who benefited from colleagues' foraging for texts in Islamic lands. Muhammad the younger fitted himself into the mold of his elder relative—a holding on to tradition that goes a long way toward explaining the longevity of the Aragonese Muslim scholarly community.⁷¹

The texts gathered by the elder and the younger al-Morabeti constitute an impressive private library for an out-of-the way place like Terror in rural Aragon. Peering into a faqih's library or portfolio, as we just have, allows a glimpse into what the average Mudejar scholar considered important. The faqihs, it seems, had constructed their own roughly defined legal curriculum. They studied and learned it and so developed a scholarly culture. This curriculum consisted mainly of established classical texts. The jurisprudence of Ibn Rushd, the sermons of Ibn Nubata, and the commentaries of al-Judami circulated widely within Mudejar Spain and there enjoyed the status of standard models of Islamic learning.⁷² On the whole, this canonical corpus dealt with legal-religious themes ranging from ritual matters, ablutions, prayer, fasting, burials, the hajj, tithes and almsgiving, to types of contracts and dispositions covering agrarian production and commerce. Knowledge and possession of these texts allowed the Mudejars to claim membership in the core Islamic tradition. Arabists have commented upon this corpus and underscored the conservative tendencies of Aragonese scholars.⁷³ Subsequent chapters will explore the motivations behind this traditionalistic attitude, but also the significance of key choices and adaptations, notably translation.

Other clans and individuals of the Ebro Valley collected similar texts.⁷⁴ As the chance survival of three Arabic documents attests, another family of faqihs, the Abranda, was active in Borja at the end of the fifteenth century. One Abranda brother, Abu 'Abdallah, served as the qadi; another, Muhammad bin Musa, functioned as notary. One of the few surviving verdicts pronounced by an Aragonese qadi was issued, in Arabic, by this Abu 'Abdallah.⁷⁵ But our sense of the collection of Islamic texts these late-

fifteenth-century scholars had access to and circulated among themselves comes from an unusual source. Another faqih in the family, Amet Abranda, converted to Christianity in 1526, the year when the Crown decreed the forced conversion of its Muslims. Amet, along with another colleague, Ali Alguaqueil, turned in all of their Arabic books, which were itemized by the Inquisition. This list comprised fifty-six works and confirms that the Abranda of Borja collected the same genres of texts as the al-Morabetis and the Calavera clans: principally notarial manuals, copies of the Qur'an, jurisprudence (fiqh), and grammatical treatises. Two of the texts submitted to Christian authorities pertained to the division of inheritance according to Islamic law (*fara'id*). Two others appear to be formularies (*watha'iq*) by Ibn Mughrit and al-Jaziri. Even a polemical text (*kitab al-mujadala*) was relinquished by the two faqihs.⁷⁶ These must have been the works that the Mudejar scholars considered most important for the upholding of Islamic law in their communities. Faqihs, even if they were not always granted the liberty to apply the Islamic law of inheritances, for example, still felt compelled to study and consult the legal commentaries on the subject produced by earlier Maliki scholars. Interestingly, the Abranda faqihs also seem to have had in their possession at least one legal treatise written by a near-contemporary jurist, which indicates, if not a direct connection to Islamic scholars in dar al-Islam, a traffic of texts moving across borders.⁷⁷ Finally, in addition to the high numbers of Islamic juridical texts relinquished to officials by Amet and Ali, two medical texts as well as a copy of the *Kalila wa-Dimna*, the collection of fables based on the *Panchatantra*, are included on the list.⁷⁸

The manuscripts that Aragonese faqihs owned sometimes steered away from this standard curricular fare. Deviations can reflect professional interests, such as when we see Muhammad Calevera's studying the *Qanun*. Or they merely signal an individual collector's peculiar literary predilections. But deviations also indicate, if only faintly, intriguing networks. Muhammad al-Morabeti, for example, was by all appearances a conservative and unexceptional legal scholar practicing in a small town. And yet he can be found looking for a copy of *Kalila wa-Dimna*. Compared to the other conventional literature he copied, this seems relatively exotic.⁷⁹ Unlike the energetic Musa Calavera, this Muhammad apparently never strayed far from his hometown, Terres, and yet he is the sole faqih whom we know possessed

a copy of Ibn Miqlash's fatwa—Ibn Miqlash, who appeared unusually invested in the Aragonese Mudejar's spiritual condition. We will never know what serial translocal exchanges were necessary to acquire these rare objects, but their appearance in a Mudejar scholar's library points to a highly elaborate web of connections.⁸⁰

Besides networks, the basic vector of books and education was the family. As we have seen with the Calavera faqihs of Savinán, the Abrandas of Borja, and the al-Morabeti clan of Terrer, Aragonese Mudejars tended to pass scholarship down the generations. And, although their Arabic texts seem not to have survived, it is evident that the Domalich faqihs of Calatayud (a family long established in the construction trade of that region) and Huesca's powerful merchant family, the Marguán, which boasted at least three faqihs active during the latter half of the fifteenth century, lived as an educated elite whose kindred was well-off.⁸¹ The scholarly atmosphere they nurtured, aware that their preeminence and influence rested in part on reputation, sometimes meant the female kinfolk were also educated. Post-1526 records reveal pockets of female erudition. When the Inquisition investigated the richest Morisco merchant in Zaragoza, it discovered that he owned thirty copies of the Qur'an. It discovered as well that the reputed ablest religious expert within his household was his sister-in-law, a widow.⁸² In Belchite inquisitors chanced upon a "woman *alfaqui*" who earned her living by teaching "Islamic doctrine."⁸³ It could be that once Inquisition officials realized that Mudejar women were the mainstay of Islamic resilience after the forced conversions to Christianity, the institution focused more intensely on female Moriscos. In this hypothesis the data could be slanted and suggest a higher proportion of learned women than really existed. But fifteenth-century data does show that Mudejar women from merchant families were involved in commercial enterprises and were therefore likely to have acquired a useful familiarity with Islamic notarial practices and contract law.⁸⁴ Women belonging to these merchant clans, notably the Marguán in Huesca, were actively involved in the business affairs of their husbands. A member of this Huesca clan, married and living in Catalayud, appears to have run all of her family's financial affairs, even though there is no clear indication that her husband was out of town (the usual reason for Muslim women to take over).⁸⁵ Although Arabic texts written by female Mudejars have not surfaced in the archives, notes written in

aljamiado by Aragonese women have survived. Mariam la Corça (possibly a Romance version of al-Qurashi), wife of a faqih *zapatero* (shoemaker), wrote a few lines to Musa Calavera describing an illness—although the note does not specify who was sick—and requesting a remedy.⁸⁶ If, in fact, Mariam was a member of the al-Qurashi clan as well as married to a faqih, she may have received a good Islamic education. And, like Musa al-Qurashi, Mariam may have been comfortably bilingual, reading and writing in Arabic as well as aljamiado.

Yet we should not extrapolate from these families' cases and posit that learning and Arabic literacy in Aragon were necessarily predicated on elite status. Unlike in Valencia, or among Iberian Jews and Christians, Aragonese Muslim society was comparatively "flat." It did not exhibit sharp distinctions in wealth and privilege. In the Ebro Valley individual artisans and merchant families might occupy different socioeconomic niches. This was true, to take an obvious example, of apprentices to construction managers and architects. But the gaps were not striking. This held true as well for learning. There were obviously families whose greater economic and social capital permitted easier access to cultural resources. But less privileged men do not compare badly. Aragon's Muslims generally cherished texts. The enclave's bookish culture did not even stop at the level of faqihs, rich or poor. Between 1568 and 1620 the Zaragoza Inquisition prosecuted the possession of Arabic texts. Among the 900 Moriscos it convicted, 409 owned Islamic writings. Of these the majority, 311, owned one or more codices; the remainder, 98, had loose leaves in Arabic script. Three-fourths of the condemned were artisans or traders. Some among these were faqihs, schoolmasters, scribes, medical doctors, and notaries. But next to them appear ploughsmen, tailors, potters, wax makers, or shoemakers. The majority of the owners of a substantial plurality of books were well-to-do and literate in Arabic, but the records underscore a smooth continuum in occupations, wealth, and status.⁸⁷ Aragonese literacy, or at least bibliophilia, clearly embraced the whole Mudejar community by this period. It is likely that the fifteenth-century configuration was not much different.

Iberian Islam—so some historians point out—long persisted under Christian rule because many Mudejar communities were "isolated."⁸⁸ On the one hand, if by isolation we mean isolation from Christian pressures, this proposition is true. Clustered densely in the countryside, religiously

and economically homogeneous, these communities were indeed—as Ibn Rabiʿ had theorized—less vulnerable to Christian intrusions and less easily assimilated than those Muslim enclaves embedded in urban environments. Cohesiveness and solidarity, as the deathbed bequest drawn up in 1440 by Yusuf al-Shabili in Guadalajara suggests, may have characterized this landscape. This situation is refracted in the geography of textual production: many of the surviving Arabic texts were penned by faqihs in such small towns.⁸⁹

On the other hand, as this chapter has shown, while relatively insulated from the Christian environment, Mudejar communities were not isolated from one another. Geographic isolation was not the necessary and sufficient condition for a thriving Islam. The connections and networks the Mudejars forged functioned as vital arteries, countering vulnerability and degeneracy. The networks helped sustain a learned community in the face of a local shortage in cultural resources. As we have seen, they facilitated communication with other Muslim scholars, both in Christian Spain and *dar al-Islam*, and they allowed for the importation of texts and knowledge. The 1440 deathbed bequest, in fact, testifies not so much to full isolation as to a grouping of teachers and faqihs that bridged two Castilian towns, one very close to Aragon, and also to links that transgressed the political border between the two realms.

Castilian-Aragonese scholarly interchanges are difficult to chart, despite scattered hints in the archives that suggest contact between the educated elite of both regions. Yet, even if the outlines remain faint, Castilian-Aragonese networks may account for two linguistic phenomena. First, *aljamiado* does not seem to have been employed by Valencian Muslim scholars. But their Castilian counterparts apparently began using this Romance in Arabic script comparatively early.⁹⁰ This has led some historians to hypothesize that the Aragonese borrowed *aljamiado* from neighboring Castile in the early sixteenth century.⁹¹ A further hypothesis would be that it came into Aragon through a network such as the one that Mancebo of Arevalo and his Castilian colleague Don Manrique from Segovia traveled: for example, a Segovia-Arevalo-Avila-Zaragoza route.⁹² Second, the survival of fairly sophisticated Arabic manuscripts from Guadalajara and from Medinaceli makes it appear that at least some Castilian faqihs were still using this language in the fifteenth century.⁹³ The faqih who received the bequest of

fifteen Qur'ans was from Medinaceli, right across the Aragonese-Castilian frontier. Not much further away stood Guadalajara, also in Castile, where this faqih, Yusuf al-Shabili, along with several teachers, had gathered to pay their respects to the young dying Muslim. We know that members of the Domalich clan also traveled this same Medinaceli-Guadalajara route between their Ebro hometown, Calatayud, and their business ventures in Guadalajara.⁹⁴ Thus, conjoined to the heavy presence of Arabic in Aragon right across the kingdoms' common border, one is led to surmise that the two Arabic literacies fed one another through exchanges of human beings and works along the Guadalajara-Medinaceli-Ebro Valley route.

Paradoxically, these two Aragonese-Castilian axes also stand as an example of both the fragility and the durability of Mudejar networking. Throughout the fourteenth and fifteenth centuries, these frontier areas were the theater of intermittent conflicts between the two Christian kingdoms. Strife among Iberian infidels affected Mudejar mobility. In the mid-fourteenth century, and again in the mid-fifteenth century, the border between Castile and Aragon was effectively closed down. The policies of the Catholic rulers regarding Mudejar mobility also affected travel and networks. The kings and queens of Christian Iberia could, with a flourish of their quill, sign legislation that closed borders or required Muslims to purchase the equivalent of modern-day visas to travel abroad. During these moments carefully cultivated routes between Aragon and Granada or Castile or Valencia or Navarre likely shifted, to be reconfigured elsewhere, or even dissolved, with the potential to be recreated in times of peace. As modern scholarship has shown, such is the nature of networks.⁹⁵ Multiple and decentralized, they constituted a highly adaptable system.

Just as meandering streams, in time, sculpt richly complex landscapes, these vagaries were productive. Family support and affiliation may have been for the Aragonese faqihs sources of stability and continuity over the long fifteenth century, but it was the complexity of their scholarly networks that fed their intellectual vitality and gave them a sense of connection with other Mudejar exclaves and with the 'ulama' in Islamic lands.

CHAPTER FOUR



Write It Down!

The faqihs could be temperamental. The margins of their manuscripts and the fragmentary notes they exchanged occasionally turn personal: a gripe about lost papers, a complaint about a debt unpaid, a remark on a wish to emigrate to dar al-Islam. Some of these comments could have been made by modern university men and women. We hear a plea for indulgence, in Arabic, from a Mudejar to Muhammad al-Morabeti: this delinquent will look, one more time, among his things for those papers that Muhammad wants so badly.¹ Musa Calavera al-Qurashi complains that the manuscript he is copying is full of grammatical errors.² A Mudejar from Arándiga elatedly scribbles in the margins of a treatise on jurisprudence in Valencia, exclaiming that he had just attended the local lectures of a visiting faqih from Tripoli.³ These snippets of the everyday breathe life, for a moment, into a long-vanished scholarly community; they provide a human context for the otherwise dry and methodical copies of Islamic texts to which the faqihs put their pens.

But the copyists were not interested in baring their souls to us. The majority of the notes inserted into manuscript margins—and there were many—are legal in character and practical in nature. Scribbled sideways and inserted into corners, they consist of selected passages from the larger legal codices they found most useful: imported treatises from the east, texts from the bygone Andalusian era, and the legal literature produced by scholars in nearby Granada or North Africa.

Some of these excerpts can be easily identified, others not so. But they pique our curiosity. One fifteenth-century faqih in the Ebro Valley, for example, wrote down an abbreviated list of *huddud* (Islamic penalties) that qadis traditionally applied in Islamic society to penalize criminal offenses. Intriguing, for in Christian lands Mudejar judges often lacked the authority to apply such punishments.⁴ This list includes items like “insulting the qadi,” which merited thirty-nine lashes, and “arguing with the qadi about a penalty,” which warranted thirty lashes.⁵ Also—with wonderful specificity—casting dirt in a qadi’s face deserved nine lashes. The Mudejar scholar wedged this series of offenses and penalties into his copy of a sizable compilation of legal judgments, including fanciful notes on the traits characteristic of a good mufti (such as “the intelligence of a rooster” and “the boldness of a woman”) and abbreviated guidelines on how faqihs should evaluate legal opinions (fatwas), all texts whose origin and authorship were not cited by the Mudejar faqih either.⁶

Drawing conclusions based on marginalia is speculative and could easily be misleading, but it is important to do so. These notes, conjoined to the classical Islamic texts that Mudejar scholars copied, provide us with critical hints about the concerns of fifteenth-century Aragonese faqihs. For unlike their coreligionists in Granada and North Africa, who composed legal treatises or issued lengthy fatwas or merited biographies that detailed their scholarly production, the scope of the Aragonese scholars’ legal interests, both theoretical and practical, can only be roughly surmised. A quantitative breakdown of the Arabic documents found in the Almonacid collection—Arabic texts that circulated mainly among the Mudejars of the Ebro Valley region—shows that 70 percent of these documents were either legal texts, copies of the Qur’an, or classical grammatical treatises. Of this 70 percent, almost half consisted of *watha’iq* (notarial manuals)⁷ or *fiqh* (jurisprudence).⁸

In themselves, and perhaps with the guidance of a tutor, these texts served as the general education for Mudejar faqihs, who rarely had access to more formal schooling. If the selected passages that generations of faqihs copied from hefty volumes of contract law are representative, these scholars’ interests lay primarily in Islamic laws pertaining to the distribution of inheritances, the various transactions involved in marriages (mainly dower

exchanges), the payments of debts and giving of loans, and other thorny but commonplace juridical issues that might pertain to a community predominantly made up of merchants, farmers, and extended artisan families (which included manufacturers, builders, and laborers). Surviving documents include contracts drawn up between Mudejar apprentices and their “masters” itemizing the responsibilities that each party had over the course of a year (the customary period of apprenticeship) and records of the temporary transfer of legal and financial powers, either in the form of guardianship or procuratorship.⁹

The Mudejar notary, the Mudejar qadi, and the Mudejar adviser or arbiter developed skills distinct from their counterparts in Islamic lands. To serve as effective religious authorities, Mudejar faqihs had to adapt and function within the Aragonese legal culture. They may not have been as well versed or as broadly educated in jurisprudence as their colleagues in dar al-Islam, but they faced a different set of demands. Centuries of Islamic legal literature and learning had become less relevant to Muslim legal experts in Christian territory, given that criminal procedures and some types of commercial transactions were largely handled by Christian authorities. Instead, Aragonese faqihs had to adapt to the loss of jurisdiction in criminal cases and to the fact that many Mudejar disputes would end up for adjudication and settlement in infidel courts while still nurturing their own Islamic legal culture. How did the faqihs see themselves in this dual role? In addition to the knowledge they needed as Islamic legal scholars, what skills did they develop so as to function as effective intermediaries? Drawing on our limited corpus of Arabic fragments and texts, of surviving *aljamiado* documents, and of intriguing marginalia, we can piece together a picture of the Mudejar faqihs’ working lives and get shadowy but alluring glimpses into their sense of their duties as guardians in the Muslim exclave in Aragon. Wherever the faqihs’ legal activities intersected with Christian courts and bureaucracy, we can also take advantage of the plentiful Christian sources.

Simply put, faqihs functioned differently in Christian territory. To give one example, the faqih in Islamic lands served as *mushawar* (jurisconsult) to the qadi. The qadi took learned advice from the faqih into consideration in his ultimate judgment of a case.¹⁰ In Christian Spain this could happen (although sources for qadis’ judgments are sparse), but often Mudejar cases

were litigated in Christian courts, not in the courts of local qadis. There were assorted reasons for this, varying regionally, but the underlying expectation was that Christian officials would ascertain and enforce the verdict or resolution. Whatever learned advice from the faqih was presented in a Christian court was not filtered through the authority of the qadi but directly received, and acted upon, by presiding Christian officials. Thus the traditional exchange between a qadi and faqih was effectively replaced by a new dynamic between the faqih and a presiding Christian lord, or a bailiff, or a local Christian *alcayde* (the equivalent of a mayor).

We will explore this more in subsequent chapters, but here it can be said that by the fifteenth century, after three hundred years of overlapping Christian and Muslim legal structures and economic intercourse, the judicial process was no longer strictly a two-tiered system, as delineated by the capitulation treaties of the Reconquest period. With the passing of time there occurred considerable fine-tuning of the administration of Mudejar morerías, with most of the adjustments made by Christians as it served their interests. Mudejars did not resolve all their intracomunal disputes within their own Islamic jurisdictions, since they often took their cases to Christian courts. But, conversely, the Arabic contracts produced by Mudejar faqihs were as a general rule upheld in these courts. The balance sheet is thus a complicated one. The faqih's authority, backed by his skills, may not have been final and beyond appeal in Christian Spain, but it still held sway internally among Mudejar communities, and it was a potent factor whenever and wherever Mudejars went to court.

Throughout the Crown of Aragon, legal advice to Christian court officials and to Mudejars, translations for Christian officials, the drawing up of contracts, and notary services constituted the basic activities of the faqihs. Traditionally, another occupation for the Muslim legal scholar was the qadi-ship: a troublesome office under the Christians, as discussed in the previous chapter. Historians of the Mudejars have noted that the fate of this office reveals just how vulnerable Islamic legal authority could be in Christian Spain. Ultimately the Crown or the higher jurisdiction of Christian courts could undermine or overturn the judgments and authority of the qadi. The authority of any particular Mudejar qadi varied dramatically. Historians of Valencia have highlighted the existence of strong and influential qadis throughout Valencian lands. Yet it is hard to know exactly on what

basis: whether this power was systematic and based on law or dependent on individual authority. Many of the Valencian qadis' activities are inaccessible. *Huddud* penalties may well have been imposed, but it makes sense that scant evidence of their application has survived. Their frequency would have been severely diminished by their illegality in the eyes of the Crown, and the Muslims would have kept them an internal, secretive affair.

While the faqih who served as qadi had significant stature and authority in Valencia, it was the notary who enjoyed comparable importance in Aragon. In fact, this was the office that least deviated from its traditional functions in Islamic society. Asunción Blasco Martínez's study demonstrated that the majority of Aragonese Mudejars who can be identified as faqihs were also notaries, either official royal appointees or freelance.¹¹ The surviving Arabic texts also indicate that most Aragonese faqihs felt it essential to have some knowledge of contract law.

Notarized documents did not come cheap, which is one explanation for the "investment" of faqihs in this office. Mudejars paid their notaries for their services, presumably according to the amount of labor a notary invested and the complexity of the transactions. A dispute, which I shall analyze, between two brothers and their sister over her *sadaq*, involved payment to the notary who inspected this Axa Ruvio's marriage contract and recorded the resolution of the dispute. He received two Valencian reales for the "arbitration and judgment, a fee that the two parties had to disburse fifty-fifty."¹² This was a frequent practice.

Who set the fees is unclear. There may not have been any systematic rule. It may have been the Mudejar faqih himself, morería officials, the Crown, local lords. The Christians exacted a tax from the Mudejar notarial offices, and Mudejar notaries, in turn, were compelled to pass down these costs by charging a fee for the contracts that they drafted. A systematic mining of the archives may one day afford us a precise fee schedule for Aragonese contracts, but we can cautiously turn to a record from Valencia, preserved for royal tax accountants. It indicates that divorces, *waqf* bequests and sales transactions between Muslims were relatively less expensive, whereas marriage documents called for more hefty notarial costs. Interestingly, qadis also charged the Mudejar community for their written responses to the complaints and questions that it submitted to them.¹³ On seigniorial lands litigation between Mudejars took place in the lord's court.

He or she would establish the terms of settlement and the fees to be paid to those faqihs who were summoned to arbitrate, offer legal advice, or record the terms of settlement. For the Ebro Valley and the latter half of the fifteenth century, several such cases have survived.¹⁴

But the prime reason for the importance of notaries in Aragon was Islamic norms and these men's position at the hub of a constellation of local transactions. Contracts were accorded enormous respect in medieval Islamic legal culture. Their status originates with the well-known verse from the Qur'an (2:282) that mandates keeping a written record of debt: "O believers, when you contract a debt upon another for a stated term, *write it down*." The same verse specifies that if the person incurring the liability should be "of low understanding or be weak or be unable himself to dictate, then let someone who can guard his interest dictate with justice." Witnesses were to be summoned to avoid doubt or sin. The Reconquest did not diminish the importance of the Islamic contract. Christian authorities allowed, as stipulated in the twelfth-century treaties, Mudejar notaries to draw up Islamic contracts in Arabic; they even encouraged it. And these men, like their colleagues in dar al-Islam, turned to the Maliki formularies for prototypes for these legal instruments and to jurisprudence to explain them.

The Aragonese Mudejar notary—that obscure, ink-stained figure, moving between mosque and court and private home—was in fact the backbone of what can be called a "write it down" notarial culture. The notary's office was regarded as prestigious, not only because he drew a salary but also because he was at the center of Mudejar legal activity. Marriage contracts between families, business transactions, and right-of-attorney documents all passed through the notary's hands. Moreover, the local economy of the Ebro Valley, with its heavy investment in trades involving labor and craft in sometimes high-quality construction work, as well as the general flow of agricultural goods, meant that many of the local Mudejars conducted a number of commercial transactions, either with each other or with Christians.¹⁵ The notary was at the center of these exchanges, too.

Like their counterparts in Islamic lands, Mudejar notaries issued conventional Arabic contracts, but they also produced many other documents and records, penned in Arabic and aljamiado. These are indicative of the expansive scope of scribal activity in the fifteenth century. Aragonese

Muslims wrote down everything. They did so not only in obedience to the Qur'an's command—and indeed why should they have obeyed this specific command, and with such intensity? This intensity was also, I would argue, the fruit of the bilingual legal culture that characterized Aragon. One finds there constant interaction between, on the one hand, Christian tribunals, administrations, and other institutions whose working language was Romance, and who valued archival preservation, and, on the other hand, Mudejar processes and practices in which authority walked hand-in-hand with Arabic script and exemplars for instruments were in the language of the Prophet. As a consequence of this distinctly Aragonese write-it-down ethos, the region's Mudejars produced a unique literary culture that would ultimately yield, in the sixteenth and seventeenth centuries, an abundance of *aljamiado* texts unparalleled in other Mudejar societies, such as Valencia or Castile.

A write-it-down notarial culture does not imply iron-clad conservatism and the xerox-perfect reproduction of classical models. As modern Arabists have noted, by the fifteenth century Ebro Valley scholars had already begun to insert (probably unconsciously) Aragonese colloquialisms in the contracts they drew up.¹⁶ This linguistic slippage, they would argue, is indicative of the deterioration of the *faqihs*' grasp of classical Arabic and should be chalked up to centuries of living alongside Romance speakers, a position that I shall try to nuance. Careful examination of the surviving Mudejar documents has also shown that there were some *faqihs* who knew their way around contract law and demonstrated a reasonably high level of notarial competency. Other Mudejar scholars exhibited basic proficiency, but they clearly had not benefited from a traditional classical education. For most notaries, a basic familiarity with notarial formulae would have sufficed, especially if we assume that many Mudejar notaries were writing only the most basic of contracts. Examining an inheritance document in Arabic dated to 1459, M. J. Viguera has shown that it appears to have been drawn up from memory.¹⁷ While this might be interpreted to mean that notaries did not have access to written formulae, it may also indicate that transactions such as *sadaq*, inheritance, and power-of-attorney was so commonplace that the notaries did not need recourse to *watha'iq* manuals even when they owned them. They had come to know the format by heart through frequent usage.

But no matter how one evaluates the quality of Aragon's Muslim notaries (and I am on the more appreciative side), this write-it-down culture came with standards—standards enforced both by the values that it shared with *dar al-Islam* and by the linkages between the Christian environment and the Mudejar enclave. To better apprehend this Aragonese notarial culture, therefore, it is critical to identify the multiple motivations that led *faqihs* and scribes to record the activities and transactions of their communities, in producing a “paper trail” for their own internal archives as well as to comply with the administrative and legal procedures dictated by Christian officialdom. This aspect of the culture seems to be particular to the Aragonese scholarly community.¹⁸ It may have been a consequence of its bilingualism and of its *faqihs*' determination to sustain a literary culture despite the gradual loss of Arabic literacy among their flocks; but it was also a consequence of the Aragonese economy, in which Christians and Muslims traded and did business together, and of the interactions between Christian and Islamic legal systems.

From the onset we should state for Mudejar contracts what has been the general rule for the documentary base of this study: we rely on a narrow documentary corpus richer, in its twenty-first century state, in fragments than in complete artifacts. Yet we should highlight as well that this Aragonese archival poverty is more the rule than the exception for medieval Islamic societies. The bureaucratic conventions of medieval Spanish administrations accorded well with a predisposition of officials to file and duplicate legal instruments.¹⁹ By contrast, throughout the Muslim Mediterranean, notaries' written contracts are poorly preserved, in large part because courts placed a higher evidentiary weight on witnesses' oral statements and testimonies than on the submission of written documentation. Interestingly, this commonality in present archival poverty masks a divergence of the Mudejar case from the general Muslim pattern. In Christian Spain Arabic contracts were given considerable weight in courts. Hypothetically, then, I am willing to propose the following paradox. The Christian environment not only influenced the Mudejars to produce and archive records: it kept alive Islamic law and legal practice, and fostered the use of Arabic and Romance in *aljamiado*.²⁰

Other traits distinguish Mudejar notaries from their counterparts in *dar al-Islam*. One of the primary idiosyncracies of Muslim notarial practice in

the fifteenth- and sixteenth-century Crown of Aragon consists in the narrow range of kinds of contracts issued.²¹ Predictably, the majority of those now extant penned in Arabic fall within those legal areas that the Christians left to the qadis and faqihs to oversee according to sunna and shari'a: marriage contracts, dower agreements, arrangements for the guardianship of minors (instruments belonging to the sphere of family law), transactions for power of attorney, certifications of deposit, debt contracts, and apprenticeship agreements.²² Christian courts kept to themselves penal law, including homicides.²³

In light of these jurisdictional boundaries and what they entailed for contracts, the range and genre of Arabic texts that we have found in the faqihs' possession make sense. These men were discriminately utilitarian in their gathering of models, formulae, and legal commentaries. Mudejar notaries might copy on occasion a complete watha'iq, with hundreds of folios, containing a variety of model contracts for sales, marriage, divorce, conversion, debts, bequests, and property transfers. These master formularies delineated the prescribed form to be followed in drafting and authorizing the legal instrument. But the faqihs did not make a habit of collecting extraneous sections of jurisprudence. Rather than reproduce in full manuals of formulae, with their respective commentaries, they often elected to spare their efforts and selected for copy useful passages from the watha'iq manuals of the Maliki jurists Ibn Mughrit (eleventh century), al-Jaziri (twelfth century), and Ibn Salmun (fourteenth century).²⁴ For example, the fragments of a formulary for an inheritance involving a guardian can be found on the back of the front cover of one manuscript. Another Aragonese scribe copied two models for inheritance involving the division of property into a Mudejar codex.²⁵ Formularies for procuratorship, loans, and deposits were likewise padded in and around the margins of codices.²⁶

In addition to the formulae, Mudejar faqihs also collected fiqh commentaries. In Islamic lands, these legal sections were appended to the individual watha'iq formulae to clarify the text and to provide guidelines for interpretive application in specific contexts. They would address legal loopholes, possible exceptions, and irregularities that might potentially arise in the transaction. For example, a fiqh commentary on the model contract drafted for converting to Islam might explain the legal status and options available to the convert's non-Muslim spouse if he or she chose not to

convert; the actual formula served merely to outline the oath the convert took and the basic obligations to be observed when entering into the Muslim community. Here too the faqihs discriminated and economized on vellum. They copied into the codices and in the margins of the texts that they had at hand those items concerning the application of Islamic personal and commercial law to day-to-day transactions. In the fifteenth century a short tractate on marriage law circulated among the Mudejars as well as commentaries on the qualifications necessary for witnessing legal instruments—an issue of concern, as we have seen, to the North African and Granadan jurists.²⁷ Such Arabic primers can be found in the possession of Aragonese faqihs of various levels of skill.

These were not antiquarian collectibles. Aragonese Maliki formularies and fiqh have survived in relatively large numbers, which suggests that many faqihs had these formulae close at hand and consulted the guidelines of Islamic wath'iq manuals with some regularity. They turned to the formulas and their companion commentaries to issue conventional Arabic contracts for marriage, dower exchanges, divisions of inheritances, sales and property transactions, and debts or loans. Armed with these selected tools, they could draw up legal instruments according to the traditional guidelines that centuries of Maliki legal expertise had accumulated. In so doing they reminded their communities, and one another, that they were indeed reproducing the conventional standards of Islamic formulae from classical manuals. Far from using wath'iq at random, they took care to identify the formularies they employed. References to the Maliki models pepper their manuscripts. A member of the al-Qurashi Calavera clan, for instance, mentioned that he used al-Jaziri when drawing up a dower contract in 1503.²⁸ The faqih Muhammad al-Kushwandi, in copying an excerpt from Ibn Salmun and another from Ibn Mughrit, also made certain to cite his sources.²⁹ By drawing on the authority of known Islamic scholars, the notaries endowed their documents with considerable credence. Furthermore, these scrupulous citations betray their anxiety to prove themselves part of the Islamic legal tradition, perhaps in part with an eye to their judgmental North African colleagues.

As noted in the previous chapter, our most revealing glimpses of faqihs' professional practices and intellectual disposition occur when we can trace multiple Arabic texts to an individual scholar. We are in this favorable

situation with Ibrahim al-Qalb, a learned faqih who served as royal scribe for King Ferdinand in the latter half of the fifteenth century.³⁰ This esteemed and highly educated Aragonese notary left behind a trail of notes, texts, and contracts.³¹ In 1465 Ibrahim copied, in full and tidily, a text of jurisprudence attributed to Ibn Rushd. Edged under the front folio of the manuscript, now Escorial ms. 993, there can be found a marriage contract that Ibrahim had issued, dated 865/1461 from Tarazona.³² Added to the front and back folios are sundry notes, most penned by Ibrahim, pertaining to standard procedures in Islamic law for notaries, including the criteria by which a Muslim should be disqualified from being a witness.³³

As a royal Mudejar notary, Ibrahim al-Qalb had been chosen by the Crown to issue contracts (requested by both Christians and Mudejars) in Arabic and, as we will see below, in aljamiado as well. He was a *bon faqih*. Significantly, scattered throughout his codex are the notes of a second Mudejar notary. Although this second faqih does not identify himself, he left behind a trail of textual snippets that both testifies to his scholarly interests and adumbrates, at least partially, the legal library of a Aragonese notary. His clear hand and his choice of texts to copy distinguish him from the many other anonymous fifteenth-century Aragonese scribes. On the back of the hefty Escorial ms. 993, for instance, he copied two fatwas issued by the Granadan mufti al-Haffar bearing on interest (*ribh*) in sales transactions—a subset of the original twenty issued in 1392, which we discussed in chapter 1.³⁴ Another short fatwa the anonymous scribe transcribed concerned a question on *nisla*, the father's gift in a marriage contract.³⁵

Quite possibly our anonymous faqih was a student, colleague, son, or relative of Ibrahim al-Qalb. Stretching our imagination, we can envision Ibrahim al-Qalb and the anonymous scribe working or studying together. Another hypothesis is that he inherited Ibrahim's texts and notes. In either scenario this Aragonese faqih was associated in some way with one of the most highly regarded notaries in Aragon. As we shall see immediately, he was clearly conversant with the elemental arguments for the importance of written documents in Islamic law.

Indeed, the anonymous jotted down in Escorial ms. 993 four passages, drawn from the Qur'an and jurisprudence, pertaining to the proper conduct of the notary in his office. The first is the Qur'anic verse on the importance of written record of debt (2:282). He then scribbled underneath this

verse a comment, which he attributed to Ibn Rushd, “The rules for transacting these documents are not, however, all explained in the Qur’an.”³⁶ A second cluster of passages comprises two traditional adages representative of long-held Muslim scholarly ideals. One cited Al-Matiti: “fleeing from the qadiship is an obligation and seeking safety from it, *especially in these times*, is the secure thing to do.”³⁷ The other cited Ibn al-Qasim al-Jaziri,³⁸ who “in his watha’iq [said] that one seeking justice may seek it where he wants and should not be forced to go to any one court.”³⁹

This anonymous Mudejar notary would have had the above-cited texts and the Qur’an within convenient reach. The Qur’an, understandably, was widely circulated among the Mudejar communities.⁴⁰ So was the fiqh of the legal scholars he drew from, especially the texts of Ibn Rushd and al-Jaziri.⁴¹ Significantly, the four aphorisms the scribe drew from these sources were far from random; they are representative of the faqihs’ traditional vision of their identity as guardians of legal integrity, untainted by political influence, respectful of God’s law. Each legal profession had its ideals, usually articulated in *adab al-mufti* (rules and codes of behavior of the mufti) or *adab al-qadi* (rules and codes of behavior of the qadi), or for *muhtasibs* (market inspectors) in *hisba* manuals (market regulations)—genres within Arabic literature that prescribe guidelines of proper behavior for various positions within Islamic legal administration.⁴² The four citations correspond, as it were, to a highly miniature Mudejar *adab al-faqih*.

The heartfelt allusion—even if in shorthand—to the traditional ideals of the Muslim legal scholar by this anonymous fifteenth-century Aragonese faqih is delightfully ironic. Maliki jurists had condemned the Mudejar faqihs for straying far from their roles as guardians of Islam. As noted in chapter 1, many among them felt that Mudejar faqihs lacked the integrity to fulfill their responsibilities as legal scholars in Christian territory. Mudejars dwelling in infidel Spain were, in the majority’s mind, unqualified to witness or draft documents or to “write it down.” These jurists challenged the Mudejars’ *‘adl*—a moral quality that was considered necessary in order for the authorization of contracts—because of their subservience to the Spanish Crown. Mudejar qadis, according to some jurists, were also suspect on the same grounds. Ibn ‘Arafa likewise warned against the “qadis of Tortosa” who were issuing documents as if they possessed *‘adala*.⁴³ Finally, the Mudejar legal intermediaries, or the faqihs, who defended Mudejars in

Christian courts had been condemned by al-Wansharisi. According to the orthodox view, the learned and respected faqih from Marbella who had appeared on behalf of Mudejars before Christian judges and “delivered them from perilous predicaments” could only have contaminated himself and the Mudejars he spoke for through constant exposure to Christians.⁴⁴

It is precisely the Mudejar faqih’s refusal of this corruption that the miniature *adab al-faqih* reflects. The Aragonese qadis were indeed, as the jurists of dar al-Islam knew or suspected, political appointees of the Crown, men of little authority.⁴⁵ The qadis of the Mudejar communities were on the royal payroll, a position of dependence that, in the eyes of the jurists, invalidated the judgments they issued.⁴⁶ Too often the qadis’ decisions were invalidated by a higher Christian court—a humiliating situation that demeaned Islamic law. No wonder then that Aragonese scholars actually acted upon the ideal of fleeing from a corrupt qadiship, the third adage cited above. These scholars may have had an alternate sense of authority. When acting as arbiters in Christian courts, faqihs were designated by the Mudejar community or by Mudejar disputing parties. In this position they were not so bound to Christian power as those serving as qadi or in administrative positions such as the *amin* or *adelante*—offices whose holders were often vetted, if not overtly chosen, by local Christian officials.⁴⁷ One may object that Aragonese faqihs accepted appointments as notaries, an office that, as Asuncion Blasco Martínez has reminded us, the Crown had sought to oversee and regulate from the mid-fourteenth century onwards. In 1360 Pere IV had decreed that only the “Saracen *alfaquini* [faqihs] and *scriptores* appointed by” the king could be legitimate notaries.⁴⁸ To this objection one can give two answers. First, the evidence suggests that all Aragonese notaries were not royal appointees; many drafted documents for their communities without authorization from the Crown.⁴⁹ Second, and more important, unlike the qadis, Mudejar notaries did not see their contracts or arbitrations invalidated in Christian courts. On the contrary, the near-universal respect and authority these Christian legal processes accorded to the “Sarracen charters” or “Moorish charters” redounded to the prestige of Islamic law.⁵⁰

We may suspect, given this attitude, that a model Mudejar faqih would have also embraced the fourth adage, “One seeking justice may seek it where he wants and should not be forced to go to any one court.” He would have counseled his flock to turn to alternative means of justice and

avoid the dubious qadis, lieutenant qadis, and Christian judges. Mudejar faqihs worked as mediators in Christian courts and could steer cases toward informal arbitration, back to a judicial sphere that was fully intracommunal and thus fully Islamic. And, if they wished, the faqihs could steer cases toward other Christian courts and alternative higher courts of appeal. In this sense, then, these Aragonese scholars who were “fleeing from qadiship” were not fleeing from action in the world.⁵¹ We shall now see in more detail how to write it down was a highly realist strategy for Muslims who inhabited a legal culture predominantly controlled by Christian institutions.

We have thus far sketched out a fairly static portrait of the fuqaha’ notaries and of the legal instruments that they produced. Recorded disputes between Mudejars allow us to envisage them—contracts and faqihs—in action.⁵² They also reveal the dynamics through which infidel environment and Islamic norms conspired to maintain a local culture in which writing it down was the rule of the game.

Faqihs drew up contracts between Mudejar parties and then judged, or arbitrated, the disputes that often arose later. One party (or both) might move the case in appeal to an infidel court. But this was not the end of the road for the faqih, the Islamic legal instrument, and Islamic law. Christian officials considered dispositive the initial contracts.⁵³ These were often in Arabic, especially when it came to marriage and inheritance, areas that generated plentiful disputes given the economic importance of these institutions. Faqihs were asked to find and identify these instruments, interpret them orally in court, and explain their contents as expert witnesses. Mudejar legal experts were also the ones who interpreted any earlier “Moorish legal process” (*proces morische*). Lordly or royal officials would not have been au courant of all the subtleties of Islamic law, notably when it came to the various forms of dowry or dower involved in Muslim unions. Faqihs were often sought out as mediators or arbiters at the appeal level. And, finally, they were often the ones who witnessed, drew up, and notarized the final arbitration or verdict. They were, thus, a precious and indispensable resource to the Christian courts. *Bon faqih*, *bon qadi*, expert in *suna i xara* denoted in Christian officials’ vocabulary those men who could best disentangle a case and make the solution binding on feisty parties.

Their role is especially visible in neighboring Valencia. There, where the high Muslim population generated heaps of marriage contracts, inheritance

papers, debt payments, and so forth, with a corresponding plethora of legal disputes, beleaguered Christian lords and officials invariably required the help of expert faqihs. The Valencian archives have preserved countless cases in which a local bailiff implores the general bailiff and the chief qadi of Valencia (who exercised appellate jurisdiction over the *morerías* of the kingdom) to send an experienced *bon faqih* to his district.⁵⁴ For royal and seigneurial officials, the cry for help was customary: “We can not understand or determine the said debates and questions. [A faqih] will know what to do and will settle the matter according to ‘law, and good reason and sunna and shari‘a.’”⁵⁵

The solution to Mudejar conflicts that ended up on appeal in infidel courts would rarely entail dismissal or disregard of Islamic legal guidelines. Royal and seigneurial officials were not above altering the legal provisions that allowed Muslim officials to govern their communities according to sunna and shar‘ia, but they seldom allowed themselves to do so.

It is easy to see why. Take, for example, the 1448 dispute, recorded in the royal archives of Valencia, over a double marriage between two Mudejar families, which became a legal nightmare for local faqihs and Christian officials.⁵⁶ Two brothers were contracted to marry two sisters until one of the sisters became pregnant by her future brother-in-law, not her future husband. In the turmoil that ensued, the pregnant bride was squirreled into hiding, and the families accused one other of shameful violation of the marriage contract. Not surprisingly, a local Christian official pleaded for a *bon faqih* to step in, resolve the muddled dower agreement, and avert a family feud. Unfortunately, the royal scribe does not recount the terms of the final settlement. How the faqih annulled or abrogated the contracts and negotiated the resolution of the double marriage must sadly remain unknown. But it can be assumed that the faqih made arrangements for the pregnant woman’s support and for some form of compensation for the injured parties. Only a Mudejar arbiter would have been cognizant and capable of interpreting the Islamic laws concerning marriage, the prescribed period of seclusion for a disgraced or grieving Muslim woman (*‘idda*), and restitution for breach of contract. The most efficient, simpler solution for Christian judicial authorities was to let experts in Islamic law explain the terms of the original contracts and propose a solution. Their expertise ensured as well a settlement that, being consonant with the law that the Mudejar parties customarily recognized, would be more likely to stick.

This Valencian example is paralleled in Aragon. An interesting arbitration took place in 1490 in Epila, a region ruled by the Contessa of Aranda, concerning the distribution of an Aragonese Muslim father's inheritance among his eight sons.⁵⁷ The deceased patriarch, one Macot Coulor, had promised, as an extra part of his son Mahoma's inheritance, several properties (a house, parcels of land, a vineyard, money, and a mule) that the lad might use for his marriage. The dispute erupted when seven other sons claimed that their brother, Mahoma Coulor, had verbally told his father that he did not want the inheritance that had been given to him. The son said this was not the case. In the process that followed, which took place in the jurisdiction and under the supervision of the contessa, at least three faqihs were called in to help get to the truth of the matter and ended up receiving payment for "counsel." Given the difficulty of Islamic inheritance law, the contessa or her Christian official probably did not feel capable of arbitrating in such matters without assistance. From what we know of the way other cases proceeded, it is highly likely that two of the men summoned—Lope Abenrrabi and his son Ybrahim Abenrrabi—were entrusted with finding the original will deeding this property to Mahoma. The settlement reports that they were specifically asked to "look at the documents" (*mirar las scripturas*). The expression, and these two men's identity, suggests that the instrument was in Arabic and kept among a pile of other such deeds. The two Abenrrabi had come from some distance (they were compensated for their journey); we might assume that they were Arabists of some stature, for Ibrahim can be found a few years later, in 1498, supervising a young Musa al-Qurashi in his study and translation of Ibn Mughrit's eleventh-century notarial manual.⁵⁸ Once the deed was found—in all probability in the contessa's archive—one among the faqihs must have been assigned to make Mahoma swear—we must assume on the Qur'an, as was customary—whether or not he had "renounced" this gift in the interim. He said he had not. Meanwhile the Christian *alcalde* of the place where the Coulor inheritance was located provided the market price for a mule, since one such animal had been willed to Mahoma but none was there in the deceased property's to be given. The contessa then ruled that Mahoma would receive all the property (but the mule's full value) that Macot had willed him. After this all the brothers were to divide up among themselves all of Macot's remaining possessions "according to sunna and

shari'a." The two claimants were ordered to split the costs for the fees of these faqihs, for the arbitration costs, for the Christian notary's drafting and certification of the settlement, and for the compensation of the conterra herself—some in pairs of chickens, some in coins. Abenrrabi father and son, interestingly, got twenty sueldos.

Not only the Mudejars but also Christians could manipulate Arabic legal instruments to serve their interests. Disputants frequently built their strategies around these Arabic documents—another explanation for the vitality of the Mudejar-issued contract. In one such case Christian lords cunningly submitted a Mudejar dower contract as hard evidence in order to protect the property of their Muslim vassals from the royal fisc. In 1451 two Mudejars, Mahomat Tortoni and Caat Garbeller, had died without leaving any children as heirs. The Crown, according to law, could expect to collect a sizable share of their assets. The lords of Alquantara, Carcer, and Antella, however, claimed that the sadaq contract of Axix, the wife of Mahomat Tortoni, drafted twenty years previously, contained a clause that stipulated that Mudejars of the towns of Alcira, Alquantara, Carcer, and Antella customarily inherited from each other. The Crown's claim to collect Tortoni's inheritance would unlawfully abrogate the validity of this earlier Arabic document. Citing the sadaq contract, the lords maintained that *per res non mudets* (so that things should not change) no part of the inheritance should be handed over to the royal treasury. Their strategy worked, at least for some years.⁵⁹ The lords' rallying to the defense of their Muslim vassals was no doubt motivated by financial self-interest, but it is noteworthy that their best argument against the Crown would be the contents of the Mudejar sadaq contract.

The legal instruments that warranted rights and property, and so were mustered when a dispute broke out, were often in Arabic (unless they were the fruit of an earlier conflict whose solution had been notarized in an Iberian Romance dialect or in aljamiado). Known as *cartas sarracenicās* in Latin, and as *cartas morisches* or *cartas moriegas* in Catalan and Aragonese, they formed the basis of any settlement. To map out Ebro Valley family structures, García Marco has turned to Aragonese marriage contract disputes that ended up in Christian courts. We can do no better than follow some of his case studies to highlight the role of Arabic legal instruments in the Ebro Valley.⁶⁰ In 1450 a Calatayud Muslim woman, Marien

del Almunia, with the legal aid of her procurator and the consent of her husband, Mahoma d'Alfona, demanded of her brother, Hamet del Almunia, the payment of her *nisla*. To comply, Hamet was compelled to sell several houses that belonged him.⁶¹ Also, in Calatayud, in 1415 Xenci of Villafeliche was sufficiently confident of the pending payment of her sadaq that she entered into a partnership with Farach el Molinero, using the money (thirty sueldos) her husband owed her for dower.⁶² In Zaragoza a Mudejar woman named Raxica Allabar held her husband, Mahoma Loppillon, to fulfill the terms of her marriage contract as had been agreed upon seven years previously. The sadaq was in Arabic, a *carta moriega*, witnessed to by a Zaragozan faqih notary and formalized by another faqih of the same morería. Mahoma had also, a few years after the marriage, borrowed money from his wife, against a centrally located bread oven, a contract also laid down in Arabic. Since necessity forced him to sell it, he agreed to compensate her, selling some houses of his to raise the funds.⁶³ In 1486 Muça de Almatar, a resident of Calatayud, and the faqih Mahoma Almoravi arbitrated a settlement between, on the one hand, Ali Ruvio and Ffarax, two brothers, and, on the other hand, their sister Axa and her husband Muça Allahemi, also residents of Calatayud. Axa had complained that the Ruvio brothers had not met the gift requirements they owed. The Ruvio brothers, for their part, declared that the payment had been made. Ultimately, Axa's presentation of the sadaq to the arbiters, coupled with the Ruvio brothers' failure to provide any written proof that they had complied with their dues, made it an open-and-shut case. The arbitrators ruled that Ffarax was to pay the quantity of eighty sueldos to his sister Axa and her husband, as the *acidach*⁶⁴ of his sister had stipulated.⁶⁵ Amusingly—and we can see here the importance of the wife's rights, although her husband may not have—Muça was also asked to provide a set of high-quality clothes for Axa (quality checked by the arbitrators) as soon as the money was in.

Routine but picturesque cases from Valencia verify the key role of the marriage contract in personal and property matters. Two Mudejar newlyweds, Mahamot de Burgos and (another) Axa, faced an irate father who refused to allow his daughter to move away from her village. It appears that Axa had chosen to marry against her father's wishes and had gone ahead with what was probably a secret union. On top of this, the father, Mahamat Moquetdam, was dissatisfied with the sadaq. His anger led him to

accuse the husband, Mahamot de Burgos, of not consummating the marriage, which would have constituted grounds for annulment. Producing the marriage contract in court, however, and having it affirmed by the local faqih, the couple was free to move away.⁶⁶ The sadaq could serve to protect family assets from seigneurial or royal seizures. In 1450 yet another Axa, from Segorbe, represented by her *procurador*, claimed in court eight hundred sueldos, a sum that had been requisitioned by a fiscal officer in payment of her husband Amet's debts and those of his brother Abdalla. This sum, she alleged, was properly hers on account of her dower.⁶⁷

García Marco rightly underscores Ebro Valley women's strategic assets, a verdict we can extend to their Mudejar sisters elsewhere in the Crown. That marriage contracts could make possible later economic ventures, and more basically protect individual rights, means that Mudejar women had a huge incentive to have them drawn up in Arabic and archived. The same argument holds generally for all Arabic-language legal instruments. Not only were they a crucial part of Islamic legal culture, but their "official" status within the Christian legal system made them gleam like gold. For any important or complicated transaction, it was in a Mudejar's self-interest to request an Arabic contract. This demand made the faqih notaries central in their communities.

The Marguán of Huesca, for example, were a powerful merchant family that produced at least three faqihs—Çuleymán, Çalema, and Moferix—active in the latter half of the fifteenth century, and four qadis.⁶⁸ Because they were cultivated and highly educated, their families and the local Mudejar community named them their procurators and accorded them the legal responsibility to effect financial transactions on their behalf, both within and outside the Kingdoms of the Crown of Aragon. Thus they were authorized to pay and collect debts as well as to invest funds as they saw fit. This could be an impressive duty, given that Huesca's Mudejars were involved in the lucrative metals industry—both production and trade. The faqihs in the Marguán family clearly possessed notarial skills, knowledge in finances, and the skills to negotiate within Muslim and Christian commercial spheres. Their sphere of mercantile activity can be found in Navarre, Catalonia, Valencia, and North Africa. One Marguán faqih, Çuleymán, was named as procurator by Mahoma Belví, the qadi general working from Valencia, along with his brother Mahoma Marguán, a merchant. The

record, dated to 1456, does not specify the purpose of the appointment, but the collaboration of the Marguán with the Bellvis clan, who had extensive merchant connections themselves, is telling.⁶⁹

As noted in the last chapter, several women belonging to powerful merchant families were educated and literate in Arabic.⁷⁰ One female member of the Marguán clan married into a Calatayud family in the Ebro Valley. This curiously imposing figure, a Mudejar woman named Marien de Marquán, evidently ran the finances of her Calatayud household. A procurator with whom she had conducted business confirmed her position in the family as “la Maestra, mora habitante in Calatayud” (the Mistress Moor dwelling in Calatayud). She had such presence in the area that a notary referred to her husband as “Muça de Grisen, the Moor married to the Maestra.”⁷¹ Family clout may in part explain her financial authority within her community, but prowess is not conferred with birth. She must also have acquired considerable skill and knowledge in business affairs. The archives reveal an unfortunate incident regarding one of her learned relatives, however. We shall see in the chapter 7 this Çuleymán using his legal skills to try to abuse the pious institution of the redemption of captives.

Thus far we have dwelt primarily on the status of *Arabic* documents in what I am calling a write-it-down culture that prevailed among Aragonese scholars. But writing it down, as our anonymous faqih of the late fifteenth century would have known well, also entailed writing in *aljamiado*—Romance in Arabic script. By the mid to late fifteenth century the proclivity of the Mudejars to pen and keep records—either for security or commercial purposes—now also expressed itself in an increased production of texts in this seemingly hybrid language. In chapter 3 we met Musa Calavera al-Qurashi, an energetic scholar and collector of Islamic texts. He traveled from Savinán to Valencia to copy grammatical treatises in Arabic, composed poems in Arabic, served as a notary, and drafted contracts in Arabic. But he can be found, concurrently, recording the personal expenses involved in renovating a house he had purchased from a local Christian in 1510—in *aljamiado*.⁷² He noted his expenditures with considerable attention to detail, as befitted a Mudejar from the Ebro Valley, an area where many of his brethren were involved in the construction and subcontracting businesses. Having hired a number of Christian and Muslim workers to renovate the premises, Musa itemized the costs incurred over one month,

between the third of June to the third of July 1510. He tallied provisions (bread for four dineros and sweet cherries for two dineros), materials ("I bought for this twenty iron pins for seven dineros, 2.5 pounds wooden pegs for fastening [cost] fifteen dineros and five frames for a half sueldo and three dineros. Sixteen dineros and seven sueldos total; pinholders, wooden pegs, and a sheet of metal fifteen dineros, etc."), and labor ("Monday, the first of July, Muhammad of Ariza, Ahmad, the apprentice, and I worked, the boys of Ibrahim of Duenas. Tuesday, the second of July, Muhammad of Ariza worked on the window, etc.").⁷³

Even more telling in its suggestion of linguistic amphibiousness is a surviving piece of evidence from Ibrahim al-Qalb's activity. This skilled legal scholar, the Arabist who copied *fiqh* into his codex, Escorial ms. 993, was not beneath writing in *aljamiado*. Al-Qalb was here operating as official notary and scribe for the Crown, so backed by the authority of the Christian judicial hierarchy. The document in question recorded mutual quitclaims between two Muslims, Ahmad "Albeitar" (the Veterinarian) and Yusuf "el-Ferrero" (the Blacksmith) for losses and debts incurred during a partnership that involved their respective trades and other business ventures.⁷⁴

A number of historians have assumed that Christian Spain's Muslims began to use *aljamiado* in contracts as a replacement for Arabic. They suspect as well that, correlatively, the traditional function of the Mudejar *faqih* as notary for Islamic legal contracts was in decline. The late medieval Aragonese linguistic situation was probably more complicated than that. At least in the fifteenth century, Aragonese Muslims used *aljamiado* to retain the record of a case that had involved, or might involve, a Christian court. This constitutes one among several possible factors that played into Ibrahim al-Qalb's choice of *aljamiado* over Arabic for the quitclaims. First, Ibrahim al-Qalb had lodged earlier, on behalf of the partnership, a complaint concerning a lost horse with the "alcade of Agreda and in the tribunal of the town council," a grievance probably penned in Romance. Second, the quitclaims document was intended to quash any later suits between the two former partners. Being in *aljamiado*, it would be more quickly accessible to an infidel court should the need arise—the Romance terms would jump out of the page. Three, it was an accessible medium for the two partners' own archives. It is important to note that Ibrahim al-Qalb's did not turn to *aljamiado* because he was officiating as "salaried

notary" under the authority and by the ordinance of the king. We might recall the marriage contract tucked in the Escorial manuscript, which had also been produced in this official capacity: it was in Arabic. Musa Calavera al-Qurashi, for his part, may have jotted down the expenses for his house's renovation in *aljamiado* because he expected Christian officials to inspect them or because he intended to resell the building to a Christian.⁷⁵ He may even have feared that the former Christian owner would seek to sue him and his documented expenses would serve him in court. As for Christian notaries, it was not commonly the case, at least in the fifteenth century, for Mudejars to resort to them for the drawing up of legal instruments. Aragonese Muslims did often request that royal or seigneurial officials archive their Arabic documents. When they did turn to Christian notaries for the production and certification of contracts, there was a reason. The choice between a Christian or Mudejar notary seems to have rested primarily on the type of the transaction and whether it involved Christians. In 1507, in Calatayud, a contract between two Mudejars over teaching the industry of porcelain was drawn up in Arabic.⁷⁶ On the other hand, a Muslim father requested that a contract of apprenticeship between his son and a Christian barber be drawn up by a Christian notary in Romance.⁷⁷ Common practice suggests, however, that the Mudejar father would also have requested that a local *faqih* either make a copy of this record (probably in *aljamiado*) or produce a newly drafted Arabic document for the Mudejar archives. Christians and Muslims frequently conducted business together; each party understandably opted for its own notaries for the drafting of legal instruments, but duplicate copies were also kept, especially if litigation was anticipated.

In this write-it-down culture different functions might lead to a complex linguistic overlap, as a case that begun in 1495 in Borja shows, whose resolution involved a family of *faqihs* in the area, the Abranda. The dispute was between one Said de Barragan and his brother Muhammad and concerned a dowry gift (a mule) from their father to Said toward Said's marriage (or so he claimed). The initial judge, Abu 'Abdallah Abranda, presided over the hearing, under oath, of a first witness in Borja. The judge's relative, Muhammad bin Musa Abranda, served the community as official scribe. He wrote down the testimony in Arabic. In time the quest for more witnesses led the inquiry to Fréscano. There a local Muslim testified

under oath that, here in Fréscano, the father had stated to his son Said that he had indeed promised him the mule but added he could not deliver at the moment. This second testimony was notaried, again in Arabic, by the local imam, Ahmad bin Musa Abranda, a faqih and likely, given his name, a brother of the Borja scribe.⁷⁸ The Barragan brothers eventually agreed to settle the case (and seemingly other unrelated other disputes) through arbitration, this time in Cunchillos, the village where Muhammad (and the mule) resided.⁷⁹ One of the Abranda faqihs, Ahmad, served as one of the four arbiters. We do not know what solution was found for the mule, but the brothers at least agreed that either breaking the agreement would be fined two hundred sueldos. In this case, a third was to be given to “the Señora” (presumably the female lord of Cunchillos), a third to the salaries of the Mudejar arbiters, and the final third to the injured party. This record was not authorized by one of the Abranda faqihs but by Muhammad de Parra, the amin of Cunchillos, who presided over the compromise. This time, the record was preserved in aljamiado. For this dispute, then, sworn testimonies were archived in Arabic, the sworn agreement with its penalty clause in aljamiado. That the Señora would get a cut of the fine may account for the language of the second document. But my main point here is that its being in aljamiado cannot be chalked up to Mudejars’ illiteracy in Arabic: the arbiter Ahmad had notarized in that language the second testimony, so could very well have put his pen to an Arabic settlement.

Of course, Arabic literacy was gradually slipping. That the Aragonese notaries developed their own bilingual documentary culture made sense. Ultimately, the use of aljamiado spread because Aragonese Muslims felt increasingly comfortable in Romance. It was easier to record testimonies in court that were given orally; it was easier to make a laundry list of possessions; it was easier to keep accounts for house renovations, as Musa did. Aragonese faqihs with whom we have become familiar, such as Musa al-Qurashi, composed bilingual watha’iq manuals (Ibn Mughrit). Even a manual for the division of inheritances, which must have caused its Mudejar translator much labor, was translated into the common language.⁸⁰ But it might be said too that the ascendancy of aljamiado among the Mudejars by no means diminished the role played by contracts and Islamic legal tradition.

That Islamic law could operate coherently as a subsystem in fifteenth-century Spain cannot be taken as the symptom of a natural coexistence or

of an easy evolution that yielded two legal systems seamlessly functioning side by side. Friction and pressures enabled the survival of the Iberian Muslim minority's sunna and shari'a and of their classic vector, Arabic.⁸¹ There existed a feedback loop most visible, perhaps, with disputes involving dowries and marriage gifts. The Arabic contracts governing them were recognized in Christian courts, so Mudejars had an incentive to request their being drafted, in Arabic, by the faqihs. Thus the routine operation of the infidel judicial system maintained the Arabic literacy of the Mudejar elites. The two-tiered system, then, at least for the fuqaha' leadership of Aragon, did not handicap linguistically; to the contrary, conjoined to the morose gaze that dar al-Islam's jurists cast on the Mudejar exclave, it stimulated scribal activity and record-keeping at a surprisingly steady rate over the course of the fifteenth century.

It was true for Arabic; it was also true for Islamic law. For if Christian officials considered Islamic legal instruments authoritative, it was the result of concerted efforts on the part of the faqihs to reproduce Islamic documentary culture in an exclave situation, a task that demanded the guardians articulate Islamic rules for their community. Muslim contracts had to be considered binding by both Muslims and Christians, which meant that the faqihs had to enforce procedural laws, such as laws of testimony. The quest for efficiency and authoritativeness was driven by both the infidel environment and by dar al-Islam's norms, as negotiated by the Mudejar elite. Thus Aragonese faqihs had a huge incentive to collect and study legal manuals and to educate themselves in the fundamental rules of Islamic contractual law. The jurist al-'Abdusi had been queried "concerning a document coming from the Christians, based on the testimony of the believers residing in the country of the Christians." Was a contract undersigned by a Mudejar legitimate? If written down by "morally and juridically superior" witnesses, the jurist concluded, even the testimonies stemming from a community located within dar al-harb were valid.⁸² The Mudejar elite of Aragon verified al-'Abdusi's criterion of expertise.

Aljamiado, too, benefited from litigation in the two-tier, hybrid legal system that saw cases and documents move between Muslim and infidel adjudication. But an instrument in aljamiado was not necessarily viewed by Aragonese notaries as a substitute for a legal contract drawn up in Arabic. Being in many ways practical yet endowed with the aura of Arabic script,

the *aljamiado* instrument was neatly poised at the interface between the two legal cultures. Rather than being read chiefly as evidence of the late medieval degeneracy of the *faqih's* Arabic literacy, it should be seen as a purposeful adaptation. It even corresponded to an expansion of Islamic law and the volume of instruments governed by it, admittedly within the jurisdictional sphere accorded Islamic law by Christian rulers.

By 1500 Aragonese *Mudejars* had embraced *aljamiado*. It would continue to expand over the next century, spurred by the Crown's ban of Arabic among Aragonese *Moriscos* after 1526. While this resulted in a substantial production of *aljamiado* texts, unprecedented for a Muslim minority community in the Middle Ages, Inquisition records also indicate that Aragonese *faqih's* still strove to issue documents in Arabic according to Islamic guidelines. Especially at this late date, the write-it-down notarial culture can be construed as an affirmation and a literal interpretation of the Islamic ideals so valued by the Aragonese *faqih's*.⁸³

Paradoxically, then, the Christian environment gave a sizable impetus to the production and preservation of documents in Arabic. Christian tribunals' evidentiary rules stimulated the writing down of contracts and the resolution of court cases. Thus *Mudejars* may have produced notarized documents more actively than their coreligionists in North Africa and, until the sixteenth century, preserved them more carefully. *Dar al-Islam's* archives contain a wealth of sources in which one sees *qadis* and *muftis* discussing the proper standards for the drafting of documents and laying out the notaries' ideal behavior. They are rich also in accounts, mainly transmitted by the *fatwa* literature, of notaries adjudicating disputes over the authenticity of documents. But, next to this abundance in instructional legal texts and commentaries, the archives of North Africa and Islamic lands are generally poor in actual legal instruments, since Islamic legal practice privileged oral testimony over the written proof.⁸⁴ Considering the destructions that took place in early modern Spain, the comparable *Mudejar* survival is striking. The pressures of the infidel environment compelled the Iberian Peninsula's subjugated Muslims to obey, perhaps more diligently than their brethren in *dar al-Islam*, the Prophet's command to write it down and incited them to hoard what they had written.



Pretending to Be Jurists

In 1403 a North African captive named al-Fasi arrived in Ateca, the eastern boundary of the Jalón Valley (in Aragon), where he found himself welcomed as a reciter of the Qur'an. "These provinces are in the power of the infidels," he later wrote,

but in them one can find those who follow the Prophet. Many of them are pious good men. They confess the oneness of God, they abide by the sayings of the Prophet Muhammad, and among them one finds those learned men, the faqihs, who are familiar with the laws as well as readers of the Qur'an. All of them follow the Maliki school of law, and there appears to be no dissension over this at all.¹

Although al-Fasi offers one of the very few outside narrative reports of Mudejar scholarly activity, surviving Mudejar texts confirm, as a group, these scholars were devoted adherents to the Maliki school of law. The Mudejars' canonical corpus drew on six centuries of Islamic scholarship dealing with ritual law and legal-religious themes ranging from ablutions, prayer, fasting, burials, the hajj, tithes and almsgiving to types of contracts and dispositions covering agrarian production and commerce. Classic canonical texts, such as those of Ibn al-Jallab al-Basri and the commentaries of al-Judami, circulated widely among the Mudejars as standard models of Islamic learning.²

Modern Arabists who have studied these Mudejar texts maintain that they served as symbolic relics of a bygone past.³ But they were more than this. Collected, preserved, and clearly cherished, they constituted both a pedagogical tool for generations of Mudejar scholars and a practical guide to Islamic life. Like any religious text, however, they were subject to interpretation, or worse, distortion. And, as the Maliki jurists argued, therein lay the danger.

As we saw in chapter 1, jurists in dar al-Islam often balked at the notion of granting Mudejar religious leaders “legitimate” authority (such as accepting the judgments of Mudejar qadis). They also struggled with the idea of welcoming the Mudejar scholars as colleagues who could read, discuss, and interpret texts. Ample evidence suggests that the Mudejars were not trusted by jurists to transmit Islamic knowledge or tradition, a key quality of the ‘ulama’. Many jurists considered the Mudejars uneducated, and even willfully uninformed. Al-Mawwaq was privy to what he called a botched Mudejar divorce case and added that the Mudejars were ignorant on other matters as well.⁴ Other Maliki authorities depicted the Mudejar faqihs as independent and bold. Ibn Rabi’ fulminated against Mudejar faqihs “pretending to be jurists.”⁵ In their arrogance—as the rigorist jurists keenly felt it to be—they assumed authority that was not theirs. They not only misunderstood or were ignorant of Islamic law but also were actively changing it through interpretation, *ijtihad*.⁶

Indeed, there is evidence that the Mudejars were gradually losing their hold on Islamic law. Faqihs lived at a distance from the authoritative ethos of Islamic institutions, and Christian hegemony inevitably undermined Islamic legal practices and the faqihs’ authority. The faqihs were immersed in a world of taxes, court disputes, debts, and royal decrees all ultimately determined by Christians. In order to follow sunna and shari’a they had to make adjustments and devise strategies never contemplated by learned scholars securely established in Islamic lands. And there were several areas of law (notably criminal law) in which Islamic tradition had minimal authority in Christian Spain.⁷

Despite these difficulties, Mudejar faqihs nurtured their own scholarly habitus, built their libraries, and oversaw a good deal of Islamic personal law. Mudejars from their community came to them for advice. Christian records indicate that, day after day, the Mudejar faqihs were giving formal

(in Christian courts) and informal legal and religious counsel to their fellow Muslims. Some of their “decisions” consisted in relatively minor acts of arbitration and peacemaking; others may have represented significant acts of legal interpretation. Countless cases of inheritance disputes and disagreements between Mudejar families, and between husband and wives, were handled by these Mudejar scholars, who may well have consulted the relevant *fiqh* in the careful copies they had made.⁸ Yet some Aragonese *faqih*s made adjudications for their community that not only drew upon authoritative tradition but subtly modified it.

“Adapting or adopting” Islamic law. Here is an age-old controversy, an issue that has rent Islamic society. The debate feeds on the recurrent struggle between centralized and local authority. Muslim scholars across the centuries have expatiated on the dangers of Islamic tradition and interpretation falling into the wrong hands. Reformism and diaspora situations tend to stir this anxiety. The question is an important one, as the contested notions of authority within today’s Islam demonstrate. Islamic legal historian Khaled Abou el Fadl recently devoted a small book to the topic in which he points out that one consequence of the lack of recognized, expert knowledge among Muslims living in (especially but not exclusively) Western secular societies can be *authoritarianism*: an abuse of authority. In Abou el Fadl’s view, ignorance, or the deliberate disregard, of centuries of Islamic scholarly discussion can either result in the misunderstanding of the role of authoritative tradition or the incompetent interpretation of Islamic law and scripture, or both.⁹ In some hands it can lead to a calculated and dangerous manipulation of normative Islamic processes.¹⁰ The absence of reference in fatwas to the positions of other recognized jurists, the lack of judicious evaluation of canonical texts, such as hadith, and irresponsible disregard of the moral and theological implications of their interpretation, for example, would constitute authoritarianism, the forcing of self-designed (and, inevitably, self-serving) standards that are made to sound authoritative.¹¹ Osama bin Laden’s interpretation of the law comes to mind. The other alternative is adaptation—situational changes to the law, which often result in legal chaos.

Comments found scattered in our manuscript fragments make it clear that the Mudejar *faqih*s were well aware of their deficiencies and their meager resources. They understood that Islamic religious scholars were

marginalizing them and that many Muslims in dar al-Islam regarded them and their knowledge as substandard. A Mudejar named Ahmad al-Zawawi complained that he had been slandered as “ignorant” by some Muslim ex-captives returning to dar al-Islam. He loudly protested, in his palpably provincial Arabic, that he was “a learned faqih and a knowledgeable one, who clung to the book of God.” As al-Zawawi’s stridency and linguistic failings lead one to suspect, Mudejar scholars were often limited—and sorely sensitive to those limitations.¹²

But Mudejar self-awareness went deeper than these voiced insecurities. Some faqihs, like Musa Calavera, had traveled enough to gain a critical distance from the local Islam in their hometown. They realized the discrepancies between local practices and normative Islam. In Valencia Musa Calavera would have been exposed to and even met Islamic scholars who were comfortable in the traditional ethos of authoritative Islam.¹³ Muhammad al-Ghazi, the mentor to Muhammad Calavera, traveled widely as a scholar and physician. He spent time in the courts of Granada where he would have come into close contact with recognized scholars. Even ordinary, unlearned Aragonese Mudejars who undertook the hajj rested at key stops along the route, observing how other Muslims lived. Any difference from their own practices would have been noticed and reported back home.¹⁴

We cannot know whether faqihs who traveled beyond Aragon felt uneasy when they returned to their communities, newly enlightened about Mudejar religious irregularities, or whether they stepped up to serve as “lamps of the umma” and offer corrections to their coreligionists. This, of course, is what we see with Ibn Battutah, who felt compelled to comment on the local customs of Muslims he encountered in his travels, pointing out deviations from tradition or law. In one town he noted that the local Muslims did not know any better than to have a divorced wife live with her husband’s family until she remarried. To express this critique publicly was his job as a faqih. It may have made him an unwelcome guest, but he felt obligated, as a guardian of Islam, to indicate problems when he saw them.¹⁵ Similarly, Abu Hamid, in his temporary residence among Hungary’s Muslim minorities in the twelfth century, complained that these Muslims were unacquainted with many of the fundamental practices of Islam. Friday prayers to dietary regulations to marital laws seem not to have been

part of local religion—that is, until Abu Hamid arrived on the scene. For his part, Abu Hamid offered conservative, although often idiosyncratic, counsel as a faqih. When approached by a Hungarian Muslim of Maghribi descent (which seemed to have resonated with Abu Hamid’s Andalusian roots), the Granadan scholar agreed to loan him his books, encouraging him to “memorize and understand” what was in them. Abu Hamid also made him promise that he should only speak to others of the *isnad* (the chain of authoritative transmission upon which a tradition, such as hadith, is based), and nothing else.¹⁶ Although this Muslim was, according to Abu Hamid’s account, one of the few among the local Hungarians who spoke Arabic, the faqih was wary of encouraging more than memorization and recitation of authoritative tradition.

What we do know is that Mudejar faqihs who traveled abroad returned with the stamp of prestige. They glowed with exposure to a universal Islam and carried back with them a sense of inclusion in the umma and a certainty that all Muslims, despite their divergences, were part of the Muslim community.

How Mudejar faqihs interpreted their authority to transmit and, when necessary, adapt the law to local practices must have depended on a range of factors, from ignorance of Islamic tradition to an instinct for cultural survival—surely in place everywhere from the village market to the court of Aragon—that urged Mudejars to bend, not break, under the pressures of Christian rule. Cultural slippage was inevitable, but the Mudejar faqihs held time-honored positions in their communities and appear to have been determined to fulfill their duties as guardians, regardless of any disapproval expressed by the jurists of dar al-Islam. Like faqihs everywhere, theirs was the world of the Islamic authoritative text and of Islamic religious practices, to the extent that they could know and exercise these in the (relative) isolation of fifteenth-century Aragon. Their fellow Mudejars consulted them on prayer, fasting, and burial practices. On a daily basis the faqihs had to interpret and apply Islamic law in a Christian context, such as determining what meats local Muslims were permitted to buy from the marketplace. Much less common, but all the more dramatic when they happened, were the cases of Mudejar conversions to Christianity. It would be to the local faqihs that the community would turn in deliberating the fate and treatment of these apostates.¹⁷

But, unlike faqihs in dar al-Islam, whose legal culture provided checks on standards of religious practices, Mudejar faqihs had a more attenuated relationship with the authoritative tradition. In earlier chapters we discussed how they compensated for their lack of freedom to travel and their limited resources through, among other things, scholarly networks. The next question is how these faqihs regarded their own authority as legal and religious advisers. Were they susceptible to charges of authoritarianism, of taking the law into their own hands, and, as Ibn Rabi' suggested, of "pretending to be jurists"? Living in the small towns of rural Aragon, with dog-eared, sometimes outdated libraries of canonical texts to guide them, did Mudejar faqihs practice *ijtihād*, wresting authority from the jurists of dar al-Islam? Did they even go so far as to issue fatwas?

The historical record suggests that Mudejar faqihs were far from being the rebels and innovators of Maliki nightmares. Eager for knowledge, and perhaps even more eager to show their deference to authority, they tended to bring nettlesome questions to established scholars in dar al-Islam. In some cases, if they had the means, and despite the long trip, Mudejar faqihs went down themselves to study and/or consult with their colleagues in Granada and North Africa. In other cases Mudejar emissaries were dispatched south from Aragon by their local faqihs to submit legal questions to the muftis in dar al-Islam. They would then return to Aragon with the written responses, more texts, and circulate copies of the answers to their questions.

Alternatively, given their limited access to learned muftis, Mudejar faqihs would rely heavily on their own law manuals. They compiled abbreviated compendia or selections of jurisprudence that they could consult more easily than a hefty canonical text. They brought together and disseminated legal material in its most basic utilitarian form. Easily visible in surviving manuscripts are short excerpts on, for example, the laws for establishing valid witnesses or legal commentary on Islamic dowry and inheritance laws.¹⁸

The Mudejars unavoidably suffered criticism for their selectiveness. In his letter from North Africa, Ibn 'Abbad blamed the Mudejars for neglecting Maliki canonical literature. The law books of the Mudejars lay under cobwebs in the corners of their houses, he argued, and those few texts that were consulted were, in Ibn 'Abbad's opinion, misinterpreted:

In Islamic lands as well as those which were seized by worshippers of idols [are] thousands of copies of the *Muwatta*, some of which are extremely sound and well collected. Over most of these, the spider spins her web; the corners of homes are idle [occupied] with these [books]. The sections with which people concern themselves, for the most part, becomes a net for debris and a trap for what is unlawful.¹⁹

Mudejar textual production has conventionally been faulted for its lack of originality. Modern analysis and Maliki complaints reinforce one another in suggesting that Mudejar scholarship was in irreversible decline. In fact, few surviving Mudejar Arabic texts were original productions. Most were copies of classical texts made by the Mudejars and circulated among scholars. Such documents, often penned in a weak Arabic Mudejar hand, do convey a superficial impression of mechanical replication. Scribes typically wrote, "I copied such and such faithfully," according to the traditional format, adding little more that might explain why this text was important to them or how they had come to possess it.

But we must also bear in mind that the heart of the medieval 'ulama' lay in the trustworthy transmission of knowledge. Copying Islamic canonical texts faithfully was very important. Many among the Aragonese scholars expressed anxiety over violating Islamic law or interpreting it independently. We can surmise much from the careful notations of provenance, the identity of the copyist, and the deliberately methodical way in which Mudejar notaries cited Islamic authorities when they drew up contracts. Furthermore, Mudejar scholars worried about botched translations, especially those that might lead to violating sunna and shari'a. They were cautious, as Islamic scholars were supposed to be.

Thus the Mudejars consulted when they could, gathered what they could, copied, cut, pasted, and disseminated as much as they could. As with the sections of fiqh described in chapter 4, the Mudejars were strongly inclined to harvest fatwas issued by muftis of North Africa and Granada. Not only collections but detached, individual fatwas are commonly found among the scholars' textual possessions. Aragonese faqihs reproduced and imported these fatwas onto the back covers of their texts or slipped folios into the bindings of their codices. Practical and easy to circulate among scholars, these rulings offered direct, concise advice; they were simpler to

consult than hefty *fiqh* compendia.²⁰ Scribbled into any available spaces in manuscripts, these fatwas display little deviation from the ones that scholars compiled in *dar al-Islam*. The majority seems to have been copied verbatim, with question and answers read and reproduced in their entirety.

The rulings found in the archives and jotted in the margins of manuscripts appear to have been collected as need arose, over time, and as fatwas from *dar al-Islam* became available to the Mudejars. Their *faqihs* collected rulings about everyday matters: marriage contracts and dowry, intermarriage, hallal regulations, fasting and prayer. These compilations and fragments circulating among the Mudejars make it clear that local *faqihs* sought guidance on ritual obligations and advice on the resolution of certain legal disputes. They were typical of the straightforward legal issues that traveled between *dar al-Islam* and Christian Spain, ones that might be categorized as “small” fatwas.²¹

Other fatwas involved more complicated matters. A fifteenth-century Mudejar scribe copied a fatwa issued by Salamat al-Umawi, which concerned the right of a seller to withdraw from a business contract. It was scribbled on the last folio of a collection of *hadith* copied by the imam of Calatorao, Muhammad al-Arqam.²² Abu Hajjaj, who belonged to a student-teacher team from Regla (Ricla), copied a lengthy fatwa issued in 1348 by a prominent mufti in Tunis, Ibn ‘Abd al-Salam al-Hawwari, which addresses the question of Muslims buying stolen goods.²³ Abu al-Hajjaj also copied, along with his mentor Abdallah Ar-Recli (of Ricla), the fatwas of Ibn Rushd, which included a question on Christians and Muslims intermarrying and the consequent provisions for *sadaq*.²⁴

The fatwas were transmitted in older Andalusian texts that circulated among the Mudejars—they represent, as it were, a pre-Reconquest capital. Surviving fatwas in Mudejar hands were also issued by near-contemporary jurists established in *dar al-Islam*. Musa Calavera collated a corpus of fatwas issued by his Granadan contemporary al-Mawwaq.²⁵ Abu ‘Abd Allah Muhammad b. Ibrahim ‘Abd Allah Shabatun copied a cluster of fatwas in 1447, scribbling in a note that the text had originated in Granada.²⁶ He finished this work in the madrasa of Zaragoza.²⁷ This again suggests that at various points Mudejar *faqihs* had been either in contact with scholars in *dar al-Islam*, or that they had picked up these fatwas while traveling. Hypothetically, any Mudejar *faqih* who traveled outside of Christian territory

might convey to a colleague in Granada or North Africa that he was eager to copy a fatwa on sadaq. Or he might himself browse through other scholars' libraries in Granada or even in North Africa.²⁸ As late as 1520 an anonymous Mudejar scribe in the Ebro Valley copied a series of fatwas issued by the 'ulama' of Marrakesh.²⁹

We do not have direct evidence that Mudejar faqihs, armed with manuals of jurisprudence, actually enforced these Islamic rulings—many of which would have contradicted Christian law. At the very least they engaged in animated debates. The canonical texts and more recent fatwas would have provided reference points and arguments for discussions.³⁰ We should also consider that the Islamic texts collected by our Aragonese scholars probably served as legitimizing objects. They enabled their owners to claim the status of learned faqihs and, as such, the right to arbitrate contractual disputes among their brethren and perhaps to issue fatwas.

Where Mudejar faqihs drew the line in choosing to defer or not to Granada or North Africa on legal matters, however, is not entirely clear. Practically speaking, they could not have had the opportunity to consult the jurists on every thorny issue. But although our evidence is sparse, it does suggest that the faqihs distinguished what was an "important" topic from what was not. They appear wary of committing *bida'* ("innovation," which was often interpreted as blatant disregard for Islamic norms) by wrongly interpreting the law on major issues, like fundamental obligatory practices.³¹ One sees, also, Mudejar faqihs consulting authorities in dar al-Islam on whether they could translate the *khutbas* (sermons) that were preached in the Friday mosque.³² This was obviously a serious issue as it involved interpretation and translation of Qur'anic verses that were regarded as sacred. When they believed they courted damnation by following their own counsel, they surely sought higher authority. As we saw, some jurists, like al-Haffar and Ibn Miqlash, tried to mitigate these dangers by advising the Mudejar faqihs and answering their questions. Other Muslims in dar al-Islam clearly worked to do the same, judging by the flow of traffic back and forth from Granada. These 'ulama' felt it was their duty to inform and warn.

Looking at the questions that the Aragonese faqihs submitted to Granada, one gets a sense of what the faqihs were concerned about or at least of the topics on which they felt they had better consult the experts. As

mentioned before, Aragonese faqihs like the qadi of Daroca, the imam of Borja, and their colleagues in Calatayud and Terrer at the end of the fourteenth century compiled a list of legal questions they ultimately submitted to al-Haffar's judgment in Granada.³³ These questions may have arisen from discussions in the mosques or from questions that the Mudejars in their communities posed to them. They may even have been the bitter fruit of disputes between Mudejars fought out in Christian courts. Other faqihs may have reserved their trips to scholars in dar al-Islam to vital questions—those that struck them as coming too close to the fundamental tenets of Islam to risk getting wrong.

Urgent situations may also have called for expert opinion from authorities in dar al-Islam. Although it may be an accident of survival, the texts that preserve critical questions of religious practice typically date to the sixteenth century. At that point Muslims living in Christian Iberia were increasingly forced to compromise their Islamic identity and practices. Mudejars inquired about the practices of *taqiyya* (dissimulation of religious belief when in danger); faced with Christian persecution if they openly practiced their faith, crypto-Muslims wanted to find legitimate ways to fulfill their religious obligations without jeopardizing the safety of their families and themselves.³⁴ From Oran (North Africa), the jurist al-Wahrani (d. 909–10/1504) responded to their dilemma with a fatwa that provided detailed instructions on how to fast, pray, perform ritual ablutions secretly while living among Christians.³⁵ Remarkably, even if practicing Islam in Christian Spain meant *taqiyya*, what mattered most to al-Wahrani was not the inability of crypto-Muslims to worship publicly in Christian lands, but that their intentions were praiseworthy and that they attempted to fulfill their religious obligations. Unlike the majority of Maliki scholars before him, he openly embraced the idea of a Mudejar jihad that was bound to the notion of inner intention and steadfastness under persecution, for “he who invokes God among heedless people is like a living being among the dead.”³⁶

Although not urgent, other questions submitted to Islamic authorities were equally specific to the Mudejar situation. The reader will recall the consultation of the Cairene muftis in the early sixteenth century; one query concerned the performance of the hajj. Fearing mass emigration, Christian authorities restricted Mudejar participation in the pilgrimage. They

demanded huge “guarantee” deposits to allow the Mudejars to exit Christian territory. This posed an obvious dilemma. Should a Mudejar perform the hajj, perhaps with the thought of seizing the opportunity to emigrate, or simply knowing the danger of dying on the road or being captured and never returning, if this endangered the property and livelihoods of his family and neighbors? The Christian sources indicate that some Mudejars indeed did, as it were, jump bail, but most did not.³⁷ It was rare for an entire family to have the simultaneous chance to emigrate. And if only one member could afford to go, should he? These were the kind of painful, recurrent conflicts that local faqihs were asked to consider; no wonder they turned to North African and Granadan jurists for answers.

In some cases, possibly, the Mudejars used the Maliki jurists and their fatwas as the final arbiter after a series of local debates, court cases, and appeals. We have mentioned a fatwa occasioned by a Mudejar’s querying whether it was possible for him to cease his dowry payments if he emigrated.³⁸ Perhaps some Aragonese faqih regarded the conflict as especially interesting or controversial. On the other hand, Christian records do tell us that there were many disputes about such payments arbitrated in Christian courts. And, as a rule, Arabic contracts (such as the dowry document) were consistently upheld and recognized by Christian officials. This Mudejar husband, then, if summoned to the local Spanish court, would likely have had to pay the dowry. He may have entertained hopes that Islamic law would rule otherwise and so approached his local faqih to appeal his case.

There were, however, other “checks” on legal interpretation in medieval Aragon. Mudejar faqihs who had traveled abroad would have absorbed legal guidelines along the way and returned with a more central and normative perspective. And learned foreign Muslim captives were often sources for expert knowledge and opinion. Al-Fasi, in his account of his captivity, did not elaborate on his duties or his contributions to the Mudejar community of Ateca where he resided after his redemption, but he was undoubtedly valued by his coreligionaries for his education and skill as a reciter of the Qur’an. In Valencia evidence survives of both learned captive Muslims and Granadan Muslims bordering the southern frontier involving themselves in Mudejar affairs. The “authoritative” interference of nearby Granadan Muslims was frequently sought by Aragonese Mudejars looking for an appeal court for their conflicts.³⁹

But could Mudejar faqihs remain mere recipients of external authority? They were in a double bind. If they interpreted or modified the law themselves, they were assuming learnedness and authority, in defiance of the Maliki jurists' views. They also courted incompetence, especially if professional standards of proficiency were not upheld. On the other hand, if they failed to interpret the law—to study, debate, and uphold it, however imperfectly—it would become a mere artifact. Faqihs who abandoned the struggle to transmit and to adapt would lose moral authority and credibility among their communities.

This conflict was no secret to Mudejar scholars, each of whom must have reconciled himself in some way to his situation in Christian Spain, piecing together collections of fiqh as best he could and letting his lamp shine for his fellow Mudejars. Mudejar faqihs had either failed to obey the call to emigrate or were prevented from doing so, yet they demonstrated their respect for Islamic law and tradition through their conservatism and through the ways in which they passed on their knowledge, studied, and transmitted law. Mentorship, memorization, caution, deference to legal experts, and engaged learned dispute and debate constituted the authoritative ethos of medieval Islamic scholarship and the world of the 'ulama'. All these made up the Mudejars' ethos as well.

We cannot underestimate Mudejar intellectual vitality and its importance for creating this local ethos. That Aragonese faqihs got together to argue the finer points of law most likely made them feel like members of a wider community of scholars. But it was more than that. If a conservative curriculum was the standard, there must also have been tremendous peer pressure to maintain it.

In a surviving fatwa a fifteenth-century faqih from Avila, 'Abdallah b. 'Uthman b. Ahmad b. al-Ansari, answered a query from Aragonese faqihs as to the permissibility of performing prayers on tanned animal skins that had not been ritually slaughtered.⁴⁰ In answering the query, al-Ansari cited several authoritative legal texts to support his opinion that Muslims were permitted to use the skins of dead animals on the condition that they were cured. But, in his opinion, it was "not allowable to trade them or perform that *salat* (prayer) on them." Evidently, a few local faqihs disagreed with him and asserted that prayer on such skins was indeed lawful.⁴¹

This Avila question over tanned skins allows us a glimpse into a process by which a faqih, in settling a legal dispute, sought confirmation from his colleagues and cited Maliki texts in support of his position. This may be because ‘Abdallah b. ‘Uthman b. Ahmad b. al-Ansari was hesitant to issue a fatwa without such approval or because a legal process of checks and balances had emerged over time among the Mudejars that compelled him to seek support. The process of discussing and studying Islamic law is in itself a critical control mechanism in the struggle against misinterpretation.

Some historians have opined that many questions that Mudejars posed to Maliki muftis in dar al-Islam were simplistic, thus revealing their inadequate legal training. This may sometimes have been the case. But we must also consider that Mudejars scholars would have been as inclined to wrangle with textual conundrums as their counterparts in Islamic lands. Some issues that concerned them, in fact, were topics Islamic authorities had disputed for generations. Islamic dietary laws or rules about purity that pertained to ritual observances, especially as practiced in a non-Muslim setting, are examples of ongoing legal quandaries. Andalusian scholars had engaged in extensive discussions over whether a Christian can be a source of pollution (*najas*) and impurity.⁴² In fact, many of the texts that the earlier scholars adduced for interpreting the significance of *najas* were circulating among the Mudejars in Aragon. And canonical texts that the Mudejars copied and circulated included sections on the buying and eating of food from dhimmis.⁴³ They posed a question to al-Haffar concerning the slaughtering of meat in the presence of Christians when the name of God had been invoked.⁴⁴ Were the faqihs engaging in a theoretical debate or were these inquiries generated by specific situations encountered in Mudejar communities?

Sadly, we cannot eavesdrop on more of these scholarly discussions. Did the speakers tend to be brash (like the mufti who challenged Ibn Rabi‘) or cautious? Did native faqihs hold different opinions than those imported from dar al-Islam?⁴⁵ What rules of order did they follow at these meetings, to whom did they defer? This type of debate, involving oversight by more experienced faqihs, would have worked on various levels, helping faqihs learn how to read texts and interpret Islamic tradition, but also providing a “team” to handle the difficulties of adaptation to the Christian legal system and to minority status within dar al-harb.

In the case of the Zaragozaan faqihs of 1534, faced with a future of crypto-Islamic practices, we are privy to a critical discussion of unprecedented urgency, one that nevertheless “led on to many disagreements and discussion concerning sins and other debts we owe, past and to come.”⁴⁶ Mancebo de Arevelo, the Mudejar scholar who recounted this meeting, also recorded an interesting story about a sixteenth-century female faqih. This Nuzaya, according to Mancebo, happened upon a group of faqihs who sought her mediation over a disagreement. Some of the scholars had argued that ritual prayer performed at the wrong time was a wasted effort; others, to the contrary, maintained that those who prayed were accompanied by angels, even if they did not perform this duty at the proper hour.⁴⁷ Nuzaya emphasized that it was important for scholars to recognize what they did not know, the wisest course being to take the Qur’an literally. The sentences in the Qur’an were clear, she said, “if only we know how to understand them.” Prayer at the wrong time would certainly be met by angels, but the angels might not be as “well-prepared and effective” as possible. They would not “accompany [those praying] with the same brilliance as when prayer” was “at the right time.”⁴⁸

In the sixteenth century, then, after the prohibition of Islam in Aragon, local faqihs still debated issues as a collective. But the above account related by Mancebo also reflects a self-awareness (at least by Mancebo and Nuzaya) of the dangers inherent in interpreting the Qur’an when one is not sufficiently knowledgeable, an act decidedly more perilous than praying at the wrong time. Nuzaya had explained that faqihs as well as persons “of average understanding” might well be confused by the difficulties of interpreting Qur’anic verses. Significantly, though, she did not add that these Morisco faqihs should *not* seek to resolve the question, for it was their duty—cautiously and conservatively—to communicate the laws of Islam, especially those regarding prayer, for their community. It should be noted that Nuzaya’s mediation differed from the less constructive insistence by Ibn Rabi’ that the “small and ignorant” could not be protected by the Mudejar faqihs.⁴⁹

Thus far I have discussed the various mechanisms by which these faqihs assessed and tempered their legal interpretations, showing deference to Islamic authorities and the authoritative text. They were trained to be conservative. They copied texts faithfully. When they did draw from canonical

texts, they debated and discussed their interpretations. Mentorship was likewise a strong institution that pushed Mudejar scholars to harmonize their voices and transmit a consensus. All this points toward a measured and responsible approach to guarding the law and Maliki textual tradition.

But the modern historian will wonder what mechanisms Mudejar religious leaders developed to deal with change. There is some indication that when faqihs did deviate from tradition, or attempted to apply the law to changing circumstances, they often felt a need to justify it. And we know, thanks to Mancebo, that scholars gathered to debate these changes. Given their caution, it seems unlikely that an Aragonese scholar would have allowed himself to write a fatwa. The Murcian mufti to whom Ibn Rabi' responded and whom he accused of "pretending to be a jurist" and performing evil *ijtihād*, lived shortly after the Reconquest, not in fifteenth-century Aragon.⁵⁰

Understanding how the Mudejar scholars related to the authoritative texts, whether they were willing to adapt them for their needs and whether they attempted to justify these changes, involves difficult textual analysis, mainly because Mudejar faqihs, to avoid being accused of performing *ijtihād*, sometimes preferred to cover their tracks. As Wilhelm Hoenerbach has shown, in some cases, the Mudejars adapted Christian legal practices to their needs but willfully clothed it in "Islamic" dress.⁵¹ Textual evidence of individual faqihs adapting canonical texts deliberately on their own to better meet contemporary customs and needs of the minority communities is hard won. Alfonso Carmona Gonzalez has called our attention to this in his close study of several dowry contracts that had been modified for local customs.⁵² His careful work is exemplary of the difficulties legal historians and Arabists face in any such reconstruction.

But sometimes the faqihs did not or would not dissimulate. Facing the necessity to adapt laws and traditions, they made a concerted and open effort to justify revisions of normative Islamic practices. Wiegers' study of the fifteenth-century faqih Iça of Segovia points out how this scholar carefully qualified and justified translating the Qur'an into Romance, although he, too, firmly believed that the interpretation of the Qur'an could not be undertaken by those who were not knowledgeable and well-trained.⁵³ Iça called on the authority of God, writing that he had heeded "that lofty authority that commands us and says that someone who knows something

about the Law [i.e., the Qur'an] must teach [or show] all creatures the Qur'an in such a language that they may understand it." He also added that a translation would help refute anti-Muslim *infamias* (unfair scorn or accusations) they had been exposed to as Mudejars.⁵⁴ Furthermore, Iça also points out that the nearing of the end of times made this linguistic operation urgent. His words are a further indication of the complexity of the Mudejar scholar's relationship to authority and the authoritative text. Faqihs like Iça guarded textual tradition "jealously" (to use Ibn Miqlash's term), but they also were willing to compromise when they felt it necessary.

All things considered, the increasing use of *aljamiado* may be the most conspicuous pointer to a collaborative effort on the part of the faqihs to control adaptation by the fifteenth century. Anwar Chejne argues that "Moriscos developed a technique of translation from Arabic into *aljamiado* and a fairly standardized system of transliteration and religious terminology. This apparent uniformity would imply the existence of a bureau of translation or close consultation among those scholars involved in the transmission of Arabic lore into romance."⁵⁵ Since it is unlikely that there existed a formal institution devoted to homogenizing *aljamiado*, we are left with the hypothesis that a high intensity of informal contacts and debates among faqihs produced the same effect. The presence of *aljamiado* also argues for practicality and cultural resilience, traits characteristic of the Mudejar faqihs.

Thus, Mudejar scholars compromised, but discriminated in what they adapted. They appear to have been acutely conscious of the risk involved in misquoting or abusing scripture (e.g., taking it out of context and not subjecting it to rigorous discussion). Many other texts and traditions they chose to leave alone rather than risk legal chaos. Historians consider it odd that legal manuals include laws that could never have been implemented in Christian Spain, such as the obligation to pay the *zakat* (tithe). One may even see the obligation to emigrate to *dar al-Islam* as a legal anachronism. But the tithe is a pillar of Islam that one cannot adapt or adapt away without having recourse to orthodox mechanisms, like engaging in acceptable *ijtihād* or invoking the principle of *maslaha*.⁵⁶ As far as we can see, Mudejar scholars in their majority were not moving in this direction. Not for them the position of the mufti of Murcia, bold enough to declare, and

support with arguments from traditional legal canon, that Muslims were not obligated to emigrate from Christian territory.

There is one curious Aragonese Arabic text, however, that allows us to explore some of the complexities that the Mudejars faced in brokering authoritative texts, in providing some sort of consensual criteria, and in conveying that understanding to their communities. Its author is Muhammad b. 'Ali Kushwandi (from Cosuanda in Aragon), a mid-fifteenth century faqih from Calatorao (Aragon).

Biographical details of Muhammad al-Kushwandi are sparse, as is usually the case with Mudejars. Scant trace can be found of him in the Christian archives, either as a faqih or in any other office of the *morería* of Calatorao. We know little about him, then, outside of the religious texts he copied into a single codex and his occasional scribbles in the margins of this manuscript. He was clearly an educated man; his hand is practiced, legible, and sophisticated. He had expressed a desire to emigrate to *dar al-Islam*. In Calatorao's mosque he can be found copying several texts, one of which consisted of a series of legal judgments compiled by a qadi of Tortosa, Abu l-'Abbas Ahmad b. Khayr al-Saraqusti.⁵⁷ And, like other learned Mudejars, the eclectic intellectual tastes of Muhammad al-Kushwandi are in keeping with fifteenth-century faqihs: a formulaic model for a *siyaq* (bridal gift in addition to dower) contract,⁵⁸ a treatise on hadith and devotional scripture, as well as a text on mysticism.⁵⁹

As noted above, pulling texts from previous centuries and copying them was not unusual behavior for Mudejar scholars. Significant for our purposes, though, Muhammad al-Kushwandi copied three formularies that he says are from the "biographies" of the *fuqaha'* of al-Andalus.⁶⁰ These can be found condensed onto a one-page folio, following al-Saraqusti's treatise on legal judgments that Muhammad also copied in this codex.

The formularies appear to be instructions for a Muslim (or Mudejar) imam on verifying the soundness and authoritativeness of a fatwa that had either come into his hands or that was circulating amongst the local community. The survival of such a formalized procedure is curious and raises many questions. It has been assumed that Mudejar faqihs were probably not issuing fatwas themselves in the fifteenth century, thus there would have been little need for a legal process that verified the soundness of such

legal opinions. And yet, if the Mudejars were writing fatwas, or if they merely had (as we know they did) fatwas in their possession, Muhammad al-Kushwandi's formularies stand as an important indication that local scholars, or at least one of them, saw the need for a process to authenticate the form and content of such rulings.

As discussed in chapter 1, muftis issued fatwas through a process called *istiftāʿ*. Muftis followed a specific format of argumentation and citation of authoritative sources. Muhammad Kushwandi's texts implicitly recognize these normative criteria. They served as instructions for the Mudejars on how to read fatwas, authenticate them, and lend them authority.

The first formulary begins with the phrase "I, 'so and so,' imam of the community of locale such and such, or place such and such, or from a village." This is followed by the imam's assertion that he had in his possession the full fatwa, "from its beginning to its end," and that he had carefully read it. The imam would next testify that he had paid close attention to the question posed by the petitioner and had studied the text of the fatwa thoroughly. Finally, he would confirm that he had found the ruling consistent with the precepts of sunna and sharʿia, attesting that he was supporting the position of the faqih who had initially issued the fatwa, thus siding authoritatively with this scholar's opinion.

The two other formularies that Kushwandi copied differ only slightly from this first version. But the deviations, and the comments he inserts here and there, are noteworthy. The second formulary includes the addition that the imam would make it "publicly known" that the text of the fatwa and the position of the mufti who had issued the fatwa were correct. And, significantly, appended to the third formulary, al-Kushwandi had written, "this is my ijtiḥād. He leaves to one more sound in knowledge more firm in knowledge." He also added a note at the end of the third formulary that the above procedure had been explained to a person "with little knowledge and weakness of understanding. God guides him to righteousness and correctness." There was no formulary offered for a faqih who disagreed with the fatwa at hand.

Prescriptive sources, so typical of what survives among the Mudejars, are infamously frustrating. Al-Kushwandi does not state why he resuscitated these formulaic guidelines or to what purpose. Were they intended

to monitor, in some way, fatwas that Mudejar faqihs had written or fatwas imported from Islamic lands that had been circulating among Mudejar communities? Muhammad writes that he was prompted to disseminate these formularies because he had been approached to write a *dhikr* (spiritual guide), but nothing else is mentioned.

Writing a fatwa demanded broad and deep knowledge of Islamic authoritative tradition and argumentation. In theory, only a qualified scholar, such as a mufti, was permitted to perform the *istiftāʿ* or the issuing of a fatwa. From the standpoint of the Maliki jurists, it seemed scarcely conceivable that the Mudejar faqihs might pen fatwas, for they did not deem these men qualified to apply legal principles to situational problems. And the Mudejar faqihs, especially those who were born and raised in Aragon (as opposed to foreign scholars), seem to have been reluctant to claim such authority. This would have meant “pretending to be jurists,” as Ibn Rabiʿ accused them of being.

This gets to the heart of the question. Namely, how did the Mudejar faqihs relate to the authoritative texts and what authority did they ascribe to themselves? In Mudejar legal culture, fatwas circulated among the Mudejars, just as they did in Islamic lands. What we do not know, however, is how the faqihs used or interpreted these fatwas. Nor do we know for certain whether the Mudejars issued fatwas in the fifteenth century. How did they respond to the authority of legal opinions, namely, those issued in Islamic lands that were circulated among the Aragonese communities in the fifteenth century?⁶¹ We might wonder how the Mudejars reacted to Maliki fatwas—the scathing criticism of Ibn Miqlash, for example, that was found in Muhammad al-Morabeti’s possession—or, more commonly, legal opinions that originated from an Islamic society and that were difficult to implement in a Christian-dominated culture (such as prohibitions against usury).

It would seem, however, that al-Kushwandi copied these formulas for a local legal culture in which a number of fatwas were passing amongst the faqihs (or imams). To deal with the flow, he considered that an evaluative process was necessary. A first possibility, then, consonant with the present scholarly consensus that the Mudejars did not issue fatwas, is that al-Kushwandi’s motive in writing the formularies was to monitor the “detached”

fatwas, stemming from dar al-Islam, that were circulating in Christian Spain. The imam who literally subscribed to a circulating fatwa had, at the very least, to vouch officially that he understood the issuing faqih's ruling in full.

In this hypothesis, al-Kushwandi may have been concerned that the external fatwas, just like canonical texts, were being misunderstood and misinterpreted by local Muslims—or, even worse, that they were being misused, that Mudejar faqihs would lay hands on a fatwa, relevant to their purposes, and cite it indiscriminately, either through ignorance or to mislead others. Al-Kushwandi urged his readers to carefully evaluate the context of the fatwa before interpreting it or forming an opinion.⁶² Legal chaos could ensue if fatwas were being passed around and quoted like marketplace gossip.⁶³

A second hypothesis is that al-Kushwandi was dealing with fifteenth-century Aragonese faqihs who were actually issuing fatwas. Thus far no fatwa has surfaced that can be definitively attributed to a Mudejar, either in Aragon or Valencia or in other regions of Christian Spain.⁶⁴ But there were certainly occasions that might warrant fatwas penned specifically by Mudejar legal scholars. Cases of conversion (a rare occurrence) come to mind. We know of one instance in which a Mudejar wife converted and wished her husband to convert as well. He preferred to annul his marriage and marry again.⁶⁵ Would not a Mudejar faqih have issued a fatwa on a case such as this? Or if we consider with what energy Mudejar scholars debated issues, in such highly charged, but highly local, circumstances, the Aragonese faqihs may have been tempted to write “small” fatwas to settle these scholarly disputes.

Any faqih could issue a fatwa, and it was known that incompetent scholars did (and do). Muhammad al-Kushwandi's formularies would thus serve as a check on the quality and authenticity of such fatwas.⁶⁶ The formularies also would serve as a stamp of local authority, carrying more weight perhaps than authority from “above,” either Muslim or Christian. A legal opinion “publicly known” and validated by other Mudejar scholars would lend luster to a scholar. Otherwise put, the process would ensure authoritativeness, quality, publicity, and validation by a collective.

Considered in a Mudejar legal culture of exchange, debate, and approval seeking among Mudejar faqihs, a rigorous process of evaluation, so

independent of a single man's integrity and learning, made sense. Kushwandi's texts should possibly be seen as instruments for a collective process of authorization similar to the one at work in the Avila consultation over tanned skins. That is, we can imagine that a fatwa (or legal opinion like al-Ansari's of Avila) was being passed through the Mudejar scholarly community for approval and authentication. However we interpret his motives and imagine the situation, al-Kushwandi's sought to impose evaluative criteria for legal interpretation among the Mudejar learned elite and create a procedural mechanism for maintaining Islamic standards.

Cryptic texts appear now and then that could or should be considered idiosyncratic, anecdotal, or not representative of the Mudejar community. This may be one of them. But when we consider Calatorao and its activities in the mid-fifteenth century, it is difficult not to take seriously Muhammad al-Kushwandi's preoccupation with authoritative tradition and Islamic legal process. If we look at the other texts that Muhammad al-Kushwandi produced, it becomes clear the legal authority of the faqihs preoccupied him. In 1431 he copied a legal treatise by the qadi of Tortosa Abu l-'Abbas Ahmad b. Khayr al-Saraqusti, entitled "a book containing the sense of legal judgments and established practices compiled from a number of volumes."⁶⁷ The authority of the Mudejar qadi was one of his pet concerns. It was he who drew up, or copied, a list of punishments (*buddud*) mentioned in the previous chapter, which included penalties for Mudejars who challenged a local qadi's authority.⁶⁸

Al-Kushwandi may have felt that the rulings of the qadi were not sufficiently respected by Mudejars, who would turn to Christian courts if they disagreed with a legal judgment issued by a Muslim judge.⁶⁹ Furthermore, just about the time that Kushwandi was writing, the judicial leadership in Calatorao had fallen into complete disarray.⁷⁰ There was no qadi. Christians were intruding in Mudejar affairs, and the amin seemed to be handling an array of legal cases that traditionally would fall outside of the purview of a political office. Al-Kushwandi wanted to institute a process whereby local faqihs would sign their name to a fatwa. In so doing he may have hoped to revive a legal procedure that emphasized the collective leadership of local imams and faqihs in the form of an Islamic ruling. In a third hypothesis, then, Muhammad al-Kushwandi may have been working to issue a "big" fatwa, with the signatures of the local imams and their

confirmation that the fatwa was correct, to counter what he regarded as a bad local case of deteriorating legal leadership.⁷¹

It is equally conceivable that the formularies were as much directed at unlearned Mudejars as at their faqihs.⁷² It seems that the petitioner, the Muslim who submitted his question to the imam, needed to be told about the import of a fatwa and what it contained. The formularies would help convince those of lesser knowledge that the imams' legal opinions were based on sunna and shar'ia and had authority. We should understand in this sense al-Kushwandi's words on making fatwas "publicly known," and his pointed dedication of the formulary to the "less learned" to mean the community at large. He was providing a mechanism by which to invest authority in these fatwas. For it seems that, on occasion (and we will explore this in later chapters), the faqihs needed to remind the people that they were shepherds of the flock.

Ultimately, al-Kushwandi's invocation of his own *ijtihād* is significant. It underlines his status as a faqih on the periphery, but he appears to assume a critical distance from local practices. His voice is one of warning, and, not unlike that of Ibn Miqlash, his preoccupation with correct understanding was a form of *jihad*. In copying and providing these formularies for his community, al-Kushwandi meant in part to inform and guide the less learned, to teach them that authoritative rulings must be demonstrated to be consistent with the principles of sunna and shar'ia, and to provide a legal mechanism by which the rulings of legal scholars are authenticated and communicated to others. This was not *ijtihād* in the strict sense of "independent legal reasoning"—the *ijtihād* for which Ibn Rabi' and al-Wansharisi had castigated the Mudejar faqihs. Rather he had performed *ijtihād* in the more modest and general sense of the word, in accordance with his status as a faqih living in *dar al-harb*.

As far as we know, the Maliki jurists did not produce guidelines by which Mudejar scholars should deal with the question of *ijtihād* and authoritative interpretation. But the above set of hypotheses proposes that the Aragonese faqihs came up with their own conservative solutions. Behind Muhammad al-Kushwandi's caution, and his attempt to initiate a legal process that would serve to check abuse, is a recognition of the limitations of the Mudejar legal expert. The point is that some faqihs, like al-Kushwandi, in

assuming the role of cultural broker, were struggling on three fronts: with Islamic authorities outside Christian Spain, with Christian power structures, and with their own Mudejar flocks. A chief characteristic of an exclave community, in fact, is the tension between these authorities. This faqih, at least, also suggests the sort of authority that Mudejar faqihs might ascribe to themselves, and how self-conscious that authority was.

CHAPTER SIX



The Scholar's Jihad, the Mudejar Mosque, and Preaching

According to al-Ghazali (d. 505/1111), one of the most influential jurist-theologians of the Muslim Middle Ages, the scholar's jihad ("striving") consisted in traveling to the hinterland and teaching the unlearned:

It is mandatory that there should be found in every mosque and quarter of the town a scholar (faqih) to teach people their religion, and similarly in every village. It is the duty of every scholar who has discharged his individual duties and is free to undertake a collective one to go out into the rural hinterland of his town, and to the Beduin, the Kurds, and the like, and to give them religious instruction. Once one scholar undertakes this duty, others are dispensed from it. In the same way, every layman who understands the conditions of prayer has a duty to instruct others; but the responsibility weighs more heavily on scholars.¹

The hinterland to which al-Ghazali referred could have been the rural Ebro Valley—not a land barren of erudition, but one clearly "disadvantaged" by difficult access to texts, the gradual loss of Arabic, and manifold limitations imposed by Christian rule. In this sense it was a form of jihad for the Granadan and North African jurists to provide moral advice to the Mudejar scholars. For some among them this "striving" also involved denouncing the Mudejar leadership's own claims to a very singular jihad: their sense of duty in remaining in Aragon, doing what it took to keep

Islam alive among their unlearned brethren. As we have seen, all the jurists recommended emigration to dar al-Islam, and in some cases they specifically linked hijra, emigration, to jihad.

The jurists' understanding of emigration as jihad corresponded with the interests of the sultan of Granada and his own version of "striving."² An early fifteenth-century sermon, delivered by 'Ali al-Barmuni, a Mudejar from Barcelona, in the name of the Granadan ruler, Yusuf III (r. 1408–1417), conveyed the sultan's sense of what the Mudejar communities' obligation to perform jihad should be. Although the context in which it was composed and recited is obscure, it seems to have been read or recited as a circular, in a plurality of Mudejar mosques. Al-Barmuni was to inspire the Mudejars to join the fight against the infidels—but not from within Christian Spain. The message was clear. They were to emigrate to dar al-Islam if they were to participate in this holy effort to rescue Islam.³

O Brethren, manifest your devotion to the service of God through hijra as is enjoined on all Muslims by God Almighty. We should flee ourselves and take our families and our wealth with us, for you all know, God bless you, what is to be found in the Holy Qur'an on the subject of hijra.⁴ By God, O Muslims, Granada has no equal, and there is nothing like service on the frontier during jihad.

Several jurists, however, emphasized the "inner jihad," the spiritual struggle against evil—in essence, the guardianship of oneself. We recall that Al-Mawwaq counseled the Muslim who approached him to be a "faqih of himself" when residing among non-Muslims, emphasizing accountability to God: "whosoever has done an atom's weight of good shall see it, and whosoever has done an atom's weight of evil shall see it."⁵ Al-Haffar advised his coreligionists to distinguish "religious interests from this-worldly interests." Ibn Miqlash, whom I suggest was influenced by al-Ghazali, went further than his colleagues in setting down for the Mudejars those cardinal virtues, such as forbearance (*sabr*), that were needed to perform the "inner jihad." He had little appreciation, however, for the Mudejar faqihs' capacity to take up this charge as religious leaders. He specifically said that the Muslim's jihad, or effort to come closer to God, would receive no thanks in heaven if he fraternized with Christians.⁶

How the Mudejar scholars themselves articulated their jihad cannot be clearly delineated. They did circulate classical Malikite legal texts, such as Ibn Abi Zayd al-Qaywarani's *Risala*, that described the traditional obligations associated with jihad. Yet the *Risala* was not directed to a large minority community of Muslims living under Christian rule—nor was it intended as a manual for Muslim faqihs who taught and preached in infidel lands. Most of the conditions governing the waging of jihad would have seemed incongruous given the political realities of Christian Spain. Conventional discussions of jihad included ways by which Muslims should divide the booty after a battle is fought and the conditions under which Muslims should invite the enemy to convert to Islam or pay the *jizyah* (the tax imposed on non-Muslim subjects), stipulations that were incompatible with the Mudejar experience as a minority people.

The scholar's jihad also took several forms.⁷ One might regard al-Sulami's early twelfth-century call to arms in Syria as one such. This Damascene preacher stood up and preached to his recently uprooted countrymen, pointing out that it was their duty to look within and amongst themselves as a community and become aware of the disorder and chaos that was at the root of the devastating defeat to the Christian crusaders:

By God! By God, you community of sultans of the country, and those prominent persons, soldiers and others who are considered prominent, young men, stalwart supporters and lords recently acquired from wealth and inherited, who follow them, drive away insignificant things and sluggishness, and go to fight the *jihad* with your wealth and yourselves. O you who believe, if you aid God, He will aid you and make your footsteps firm. Do not fight (one another) or you will fail and will not succeed.⁸

Often known as jihad of the tongue, a scholar's jihad might lead a Muslim faqih to scold a Sultan for tyrannical or unjust behavior. Islamic biographical literature recounts colorful tales of Muslims standing up to rulers, often facing harsh retribution as a result. As another form of jihad, scholars assumed the responsibility of safeguarding their community's daily practices. One Andalusian scholar adhered to his duty to command the good so assiduously that he was banished by the local Toledan population

as a public nuisance.⁹ Such watchfulness was conceived of as a professional duty and a jihad, falling under the broader Islamic ethic of “commanding good conduct and forbidding the wrong.”¹⁰

Texts like al-Sulami's sermon or biographical literature that could highlight individual Aragonese faqihs' efforts to speak out against what they considered forbidden, unjust, or un-Islamic are almost absent from the Mudejar archive. We do have an exception: an anonymous letter that circulated among Aragonese Mudejars in the fifteenth century, very much in tune with the notion of the scholars' jihad and sympathetic to the form of guardianship that Ibn Miqlash emphasized so strongly in his fatwa. According to it, faqihs who failed to take up this struggle were in danger: “The Prophet (may God bless him etc.) said: ‘the fuqaha’ are the inheritors of the prophets.’ That they warn the people and guide them to the Right Way is because it is not possible for each person to find his knowledge/understanding independently. Because this is not possible, it is the duty of each of those who know that they admonish.”¹¹

But if admonishing did constitute, in part or in whole, the Mudejar scholars' jihad, how diligently did they take up al-Ghazali's injunction to provide religious instruction to their communities? In what ways and in what form did they teach Islamic values and practices? What moral authority did they assume in taking on this mantle of guardian and instructor?

Previous chapters have investigated how Mudejar scholars grappled with *legal* authority, exploring both the caution and confidence with which they approached the interpretation of Islamic law. We have also seen how faqihs struggled with other issues of authority: that of Islamic legal tradition as well as of a Christian judicial system. This has allowed us insight into the ways in which these Aragonese scholars adjusted their professional activity and aspirations to the conditions in which they lived, getting as close as possible to the ideals articulated by the Maliki jurists and centuries of Islamic tradition. This chapter turns to their *moral* authority, to their understanding of their tasks, to their preaching, and to their articulation, through preaching, of the moral guidelines adapted to the Muslim enclave. Here, as in other Aragonese contexts, the faqihs walked a tightrope between Islamic ideals and the constraints of a non-Muslim environment. Adjustment and adaptation may have been sharply questioned and reluctantly enacted, but they were facts of life. The faqihs of the Ebro Valley

discussed, or preached, the observance of Islamic precepts to a people that lived and worked side by side with Christians, constantly exposed to infidel culture. Local economic integration generated comparatively smooth Christian-Muslim relations. Aragonese Muslims not only traded with Christians, but, as discussed in earlier chapters, often worked closely with them, renovating and designing their churches and other buildings; they shared confraternities, loans and debts. Mosques that had been converted to churches long before were rebuilt and reformed (in the now celebrated Mudejar style) largely in the fourteenth and fifteenth centuries by Mudejar artisans, contractors, architects, and construction workers. Mahoma Rami, a well-known early fifteenth-century master architect from Calatayud, discussed architectural projects with the antipope recognized only by Aragon's kings, Benedict VIII (also known as Papa Luna).¹² Such points of Muslim-Christian intersection are numerous; they constitute the overlapping interests between religious communities that modern historians have labeled a *convivencia*.¹³

Convivencia was theologically inconvenient. Being surrounded by another religious culture could distract and distance Muslims from their "center" while, at the same time, provoking in them a yearning for Islamic symbols and markers of identity to cling to. Many a faqih must have hesitated before holding the local Muslims accountable, or even criticizing them (or themselves), for disregarding or contravening traditional Islamic practices, especially those that emphasize strict separation of religious communities. Yet history doesn't preserve such hesitations; instead, we see the Aragonese imams and khatibs squandering no opportunity to exhort their fellow Mudejars.

The creation of moral authority and the dispensation of moral guidance began at the mosque. This was one place in Christian Spain where Mudejar scholars could feel in charge, where they could act as moral and ethical watchdogs and articulate for the Mudejars what jihad could mean to them. The Mudejar mosque was commonly a small, unassuming structure, a place for prayers, sermons, teaching, and discussions. What set the mosque apart was its power as a symbol of unity around which Muslim brethren would gather and its function as a place of study and prayer. With doors shut against the Christian environment, the faqihs preached their khutbas

(sermons) and worked to establish codes of behavior among the Mudejars, without Christian officials looking over their shoulders. In Aragonese society, where Christians and Muslims easily mixed, where they shared a culture and language, and often friendships, it would be the mosque that the Mudejar faqihs claimed as their domain.

While it was certainly possible to approach a faqih in the marketplace for religious advice, it was in the mosque that marriage contracts were discussed, legal quandaries clarified, and legal complaints registered. Indeed, Mudejars gravitated toward the mosque as a locus for the write-it-down notarial culture. Faqihs copied their Islamic texts in the mosque, drafted contracts, and wrote their letters. As will be discussed in more detail in chapter 7, the Aragonese imams issued official letters of introduction, in Arabic, for the Mudejar poor seeking alms from local Mudejar communities. Local Muslims as well as Muslims from other regions approached these faqihs in their mosques for these "begging" or "captive" certificates. The few imams whose identity we know, in fact, can be demonstrated to have notarial skills. These Aragonese faqihs wrote dowry contracts, informally arbitrated disputes, and often served as the mosque's khatib.

As seen through Christian eyes, the mosque was a figurative and real island of Islam in non-Muslim territory. It represented access to and distance from this other religion's ritual practices and beliefs. Most Christians knew little about what went on inside the Mudejar mosque. Typically, they were not interested; and, to a degree, they remained intentionally aloof. They saw danger in mixing. Mudejars were generally expected to keep their religious practices and celebrations inconspicuous. In 1399 the king sent out a decree demanding that the Muslims of Huesca confine their celebrations to their mosques, since crowds spilling into the streets were dangerous and annoying to Christians.¹⁴ And the most recurrent legislation preserved in the Christian archives against Mudejar freedom to practice Islam was, in fact, the royal restriction of Muslim call to prayer. The Christian battle against Muslim muezzins began in the early postconquest years, when officials demanded that Mudejars lower their voices when chanting for their community in the daily *salat* (call to prayer). Centuries later, Christian officials continued to try to silence the Mudejar muezzin. It was a rare king who did not enact some form of a ban or restriction on Muslim prayer or

the call to prayer. To name just two instances, in 1417 Alfonso V stipulated that the *salat* should be issued with a horn, not a voice; and in 1461, Juan II prohibited prayer outside of the mosques.¹⁵

Yet, despite their fear or dislike of Islam and Islamic customs as embodied in mosque culture, Christian rulers and lords continued to regard Mudejars as their "royal treasure." The mosque had to be preserved—and, paradoxically, its sanctity protected—if Christians were to continue to benefit from the Mudejar presence. Aragonese Christians understood that supporting the faqihs and their mosques was one way to pacify the potentially migratory Mudejars. Exodus en masse would have depleted the seigneurial coffers. Some Christian lords in the Ebro Valley granted privileges to local faqihs, giving them the right to travel to other communities in order to serve the mosques located there.¹⁶ We also have record of Christians donating lands to the Mudejar mosque *waqf*.¹⁷ In the few fifteenth-century instances of Christian preachers' zealous demands for free entry into Mudejar mosques, seigneurial lords or the king himself usually intervened so as to preserve the peace. In the late fifteenth century, upon learning that militant Christian preachers in Zaragoza had incited local Christian animosity and anti-Muslim sentiment, King Ferdinand told them to restrain themselves.¹⁸

Furthermore, the mosque was a convenient place for Christians to conduct business with the Mudejars. In Aragon proper, as well as for most of the royal and seigneurial lands of the Crown of Aragon, Christians and Muslims convened on a regular basis to conduct their affairs. Perhaps surprisingly, the mosques served as the central place of administrative contact between Christians and Muslims.¹⁹ Here local Christian officials customarily announced tax increases or reductions of annual payments of the Mudejar community to the Christians.

All in all, the Christians were largely content to let the Mudejars have their world of the mosque to themselves. For most of the fifteenth century, Aragonese Christians took little interest in the substance or message of the Mudejar khutba and lacked motivation to find out exactly what faqihs were preaching.²⁰ As long as the various offices attached to the mosque were run in orderly fashion, local Christians did not much concern themselves with the religious practices that went on inside the mosque. And, unless they felt that the contents of the sermons threatened the safety of local

Christians, officials were content to let the faqihs teach and preach as they pleased through much of the Mudejar period.

Institutional usefulness conjoined with indifference vis-à-vis internal Muslim religiosity thus explains in part why so little is known about Mudejar faqihs in their mosques and what they preached. Christian judicial records tend to reflect the mosque's function as a public institution seen through the angle of lordly financial interests. Thus, historians' usual resource for the Mudejars—the richly documented Christian archives—provides only limited insight into Spanish mosque culture. Colorfully detailed court documents reflect the manifold scandals, internecine feuds, and crises that occurred within Mudejar communities. But they are conspicuously silent when it comes to what went on inside Christian Spain's mosques.²¹

Who served in these mosques? The identity of these faqihs—functioning as imams, khatibs, or teachers—is not easily recovered. In the Arabic manuscripts that were copied and circulated among Ebro Valley scholars, some of these men identified themselves in their colophons as imams and, in a few cases, as khatibs. The identities and detailed responsibilities assumed by the Mudejars who filled these offices, however, only emerge in scattered fashion from the archives. We know that some faqihs moved in and between positions. The Mudejar scholar Ibrahim al-Qalb would be a good example of the multiskilled faqih who occupied several offices. He traveled (as al-Ghazali advised) from mosque to mosque, and to the hinterland, in the capacity of his job as royal notary as well as imam and possibly preacher as well.

The homebody imam, in contrast, a figure far more common than the traveling bon faqih, assumed multiple responsibilities in his local mosque—managing the funds of the *waqf*, for instance or the distribution of alms to the poor.²² He would preside over the burial of the dead. These imams were elected by the community, with the imamship generally covered by a salary.²³

Muhammad al-Arqam may be the best example we have of the qualities and sphere of influence of these more sedentary Mudejar imams. He appears not to have traveled far from his hometown of Calatorao, and to have occupied the imamship and the position of khatib in a local mosque for over a decade in the mid-fifteenth century. In Calatorao he seems to have served his community like many of his faqih contemporaries:²⁴ he had

acquired skills as a notary, and had copied, and presumably studied, canonical Maliki legal texts, hadith, and religious texts.²⁵ Among his surviving copyworks is a commentary by Ibn al-Fakhar al-Judhami on a canonical legal text, Ibn Abi Zayd al-Qayrawani's *Risala*, in which he penned his own notes and commentaries in the margin (in *aljamiado*) in 1437.²⁶ For his community Muhammad al-Arqam probably issued documents pertaining to the transfer of guardianship and the distribution of inheritance, for he had scribbled two formularies for the latter and one for the former on the front folio of the commentary on the *Risala*.²⁷ As an imam, he instructed the Mudejar community in ritual law and prayer; two fatwas on *salat* and ritual washing that he copied can also found in the archives.²⁸ His training as a notary, typical of Aragonese faqihs, may have allowed his appointment as procurator in 1451 (he drafted a contract to that effect).²⁹ Muhammad al-Arqam appears to have been educated, well-respected, and pious—a model imam, if we can judge from the limited evidence we have.

The little that we know of imam Muhammad al-Arqam was pieced together following manuscript colophons. The imamship may have been a coveted and respected position in the Ebro Valley, and should have, therefore, left more documentary traces, but for most Aragonese imams our evidence is even sparser. Details emerge piecemeal, sometimes in strange places, for instance, from a short Arabic text scribbled on the first folio of an anti-Jewish polemic, the *Ta'yid al-Milla*. This fragment comes from late-fifteenth-century Aranda; it documents an arbitration between seven faqihs competing for the privilege to lead the prayers during the month of Ramadan. It records the names of these men, all of whom have attained the “most elevated [degree] of learning.”³⁰ They agreed to split the duties of the mosque during the first year, and, for the following year, the arbitrators suggested that two or three faqihs might find a mosque which they would share between them, provided each faqih could demonstrate his “*ilm*” (knowledge).

Although the Arabic document does not specify the criteria for competence or how the faqihs might demonstrate their learnedness, it would seem that the standards for imamship were, if not always high, at least competitive. The faqihs’ “most elevated [degree] of learning” would have likely consisted of knowledge of the Qur’an as well as a competent level of Arabic literacy. And it is possible that the professional standards were even

steeper, for these Mudéjars of Aranda had one of the highest concentrations of Muslims in the Ebro Valley at the end of the fifteenth century and, correspondingly, a higher concentration of faqihs.³¹

But that the faqihs' liturgical schedule fragment was scribbled on the back folio of the *Ta'yid al-Milla* tells us a bit more. This polemic, literally translated as "Fortification of the Faith," had been composed over a century earlier in Huesca (Aragon).³² The faqihs in Aranda had not only preserved a text almost a century old; they were probably also reading scriptural polemic in Arabic. It is worth mentioning at this point that polemical texts were translated from Arabic into aljamiado as early as the mid-fourteenth century, making them one of the first genres of Mudéjar Arabic texts—along with khutbas, which will be discussed below—to be translated. The Aranda faqihs' Arabic literacy may have been advanced enough, thus obviating the need for an aljamiado version.³³

Christian and Mudéjar evidence seldom confirm one another, but a Spanish record fortuitously documents a similar juggling among faqihs in a local mosque and a similar solution to the one that reconciled the seven Aranda faqihs. In this instance, however, the locale was Calatayud, a town that had a significantly smaller population of Mudéjars. This Spanish document from Calatayud is one of the very few Christian records concerning Mudéjar imams. It is likely a duplicate of an Arabic document, lost over time. Published by García Marco, it also provides for mosque official's rotations and shows the same competition for the privilege of leading the prayers on Ramadan (the Islamic month of fasting) and 'Id al-adha (the festival of the slaughtering of the lamb).³⁴ In this case, according to a local Christian official, the elders of the morería struck an agreement in order to avoid the "complaints, questions, and debates among all the moros of the said aljama," that seemed to be characteristic of mosque elections. It was arranged that Brahem Alhemi and Ali Cetina would alternate positions as faqihs ministering to the mosque of Calatayud for that year (1472). Brahem (or Ibrahim) would lead during Ramadan, while for the feast of Pasqua de Carneros (the Romance term for the 'Id al-adha), Ali assumed the responsibility. Their respective duties would entail "observing the customary provisions and securities that are attendant on such, and similar, agreements."³⁵

Unfortunately, neither the Spanish record from Calatayud nor the fragmentary surviving document in Arabic from Aranda offer insight on the

scope of a Mudejar imam's official duties. And both are equally mute concerning the responsibilities that the Aragonese imam might have held. Nor do we learn whether the seven faqihs' liturgical rotations were volunteer positions, for instance, or whether these rotations were different from the imamship itself. Regardless of the archival gaps, however, it is evident that the imamship was a coveted position among Aragonese Muslims—prestigious and, perhaps, well paying.

We can assume, though, that given the high number of faqihs in the Ebro Valley in the fifteenth century, many would have at some point served as imam.³⁶ The significance to the imamship is clear from Mancebo of Arevalo's words. Recounting the council of Zaragoza faqihs gathered in their mosque, Mancebo quoted one Mudejar savant as saying "good deeds where there is no imam and nobody to make the call to prayer was like having rain after the end of the growing season, for the earth soaks it up and gives little yield." The Mudejars were quite devoted to *salat* and ritual obligations, many of which were performed in the mosque. Mancebo also cited the Zaragoza faqihs as saying, "If the heart of the matter is missing, and that is the summons to prayer, no good deed will be acceptable [to Allah], and the things we suffer here below are no more than a short rest before the life to come."³⁷ The faqihs, characteristically, went on to debate this statement.

Our most promising sources for the activities of the faqihs as guardians consist in sermons, which provide fascinating evidence of what was going on inside the mosque in terms of moral and religious instruction and guidance. Largely unexploited, Mudejar Arabic sermons can offer insight concerning the messages that Aragonese faqihs communicated to their communities and the means by which they did this. But these sources present an immense challenge for the modern historian and philologist. The state of the surviving texts is often inferior, and most are undated. The identities of the faqihs who authored these sermons are rarely known. For hundreds of folios of texts, it has not been assessed yet what is tradition and what is innovation, what is classical and what is local, for the Mudejar faqihs gave little indication as to whether they had imported a sermon, and copied it, or had composed it themselves. Any set of sermons may have originated in Granada and North Africa, but the manuscripts rarely indicate their origin.³⁸ Once in a while one does find the odd personal note

in the margins. One Mudejar scribe scratched in the phrase: "We live on this Island under Christian rule, weakened, our work and possessions belong to the polytheists."³⁹ But this telling detail is more the exception than the rule.

These surviving Mudejar sermons vary in substance: some are classical works, some meant for recitation within the liturgy, some local compositions by the Mudejars themselves. Some seem to have been reproduced for ideological grounds, in an attempt to further connect Mudejars to their Islamic tradition, and others for practical and didactic ends.

Medieval Islamic sermons can be classified according to a tripartite typology. First, the *khutbas*, which themselves came in various forms: *khutbas* meant for recitation during ritual celebrations (*khutba shar'iyya*), *khutbas* epistolary in form, intended to be read in the mosques or on the street to the larger community, and *khutbas* that were thematic. Second, sermons that were exhortatory (*maw'iza*). A third genre was also common in dar al-Islam, called *qasas* or storytelling. Sermons of this kind are generally thought to have been preached in the streets, to the masses, instructing them through stories of the prophet, or through recitation of the Qur'an and hadith.⁴⁰

In what follows, there will be no attempt to offer a comprehensive discussion of this literature. Rather, our discussion focuses on two types of Mudejar sermons that have survived from the Ebro Valley region: the liturgical *khutba* and the pious exhortation, a form of religious oratory often labeled in Mudejar manuscripts as *maw'iza* or *wā'z*, which means to advise or admonish. Both genres served different functions. Although preaching norms varied considerably, the *khutbas* were generally intended to remind the Mudejars of their ritual obligations and were preached generally on days of ritual observance (particularly Friday) and to celebrate religious holidays. These *khutbas* could instruct the Mudejars on how to perform the rituals correctly and could focus on a particular theme, such as fasting, which would have been preached during Ramadan. The exhortatory sermon (or *maw'iza*), on the other hand, gave the preacher the opportunity to expound upon a nonliturgical theme, such as jihad or poverty.

From the little that we know, it seems that the Mudejars and their faqihs produced liturgical sermons as early as the late twelfth century and continued to do so through the sixteenth and perhaps even into the early

seventeenth century. Those that appear most often in the Mudejar archive are liturgical khutbas, delivered at Friday prayer or Islamic feast days. Such khutbas were often copied in clusters, organized according to the significant dates of the Islamic liturgical calendar. Labeled as "sermon after Ramadan" and "Friday sermon," these sermons were intended for specific days of celebration and feast days. They could be discursive and instructional in theme; for instance, the sermon "Id 'ashura" conveyed the importance of fasting and almsgiving for Muslims. One Arabic manuscript survives describing the prayers that were to be performed at the hajj.⁴¹

Traditionally the khutbas served to instruct Muslims in the basic tenets of their faith, to unify the community, and to reinforce the Mudejars' participation in orthodox liturgy. Surviving liturgical sermons hint that the Mudejar faqihs' choice strategy to "guard" Islam was to foster a more adhesive attachment to Islamic practices and traditional values. As a group, Aragonese faqihs were intent on communicating Islamic values to their communities: through regular prayer schedules as well as through instructing the Mudejars about traditional laws surrounding ritual, fasting, and even pilgrimage, despite the fact that most Mudejars would never make the journey to Mecca. These clusters of liturgical khutbas would have been the texts that the majority of fifteenth-century faqihs (perhaps the seven scholars in Aranda vying for the opportunity to lead prayers) would have consulted.

The large number of surviving clusters of liturgical sermons tell us that Mudejars took the fundamental Islamic rituals very seriously. They did not want to commit *bida'*, and it was duty of the local faqihs to prevent this. And as I have shown in previous chapters, the particular emphasis on ritual law is evident from the internal scholarly debates among the faqihs and from the questions that they sent to jurists in dar al-Islam. Ibn Miqlash was asked by the Mudejars whether it was permissible for the Muslims to pray in the main mosque with an imam and congregation during specific days (the first Friday night of the month of Rajab and in the night of the middle of the month of Sha'ban) for "the saying of Malik goes 'The best of the *nawafil* prayers are those that are performed in the home.'"⁴² And a number of the questions posed to al-Haffar by the late fourteenth century faqihs of Daroca and Borja were concerned with prayer, issues that had probably arisen among the Mudejars over months and years.⁴³ The local

faqihs' preoccupation with purity laws is also evident in Avila, where the question was raised about the permissibility of prayer on the skins of animals not slaughtered ritually.⁴⁴

That such sets of liturgical Arabic khutbas were selected for their didactic value is even more obvious if we consider the willingness of the faqihs to translate the sermons into an accessible language. Judging from the number of both Arabic and aljamiado khutbas circulating in Aragon, preaching was far from infrequent. Correspondingly, there was a pressing need for translation as ordinary Mudejars' knowledge of the Arabic language deteriorated. As we argued concerning the translations of Islamic law into aljamiado, the faqihs' willingness to adapt to a new language indicates that they were resolved to transmit religious knowledge.⁴⁵ It was important that the message of the khutba be conveyed to the people so that they might understand how to practice their faith in Christian Spain. Mudejar faqihs went ahead and preached to their communities in Romance. And it was appreciated. One scribe commented, "how nice it was to hear it in our language."⁴⁶ Mudejar faqihs were obviously aware that Arabic was preferable to Romance. But the manuscript evidence indicates that when the faqihs had to choose between communicating Islamic values and preserving the sanctity of Arabic, they opted for the former.

Mudejar faqihs' tasks included recognizing and responding to their communities' abilities—or inabilities—to meet Islamic obligations. Yet realizing both goals—reaching the common faithful and preserving the sacredness of qur'anic language—called for compromises. These were felt to be problematic. Like a number of other controversial questions that troubled the Mudejars, the issue of language was submitted to the judgment of muftis in dar al-Islam, in this case the Granadan jurist al-Haffar. His fatwa, dating to the late fourteenth or early fifteenth century, encapsulates the dual impulse of Islam: 1. to uphold the sacrality of the Arabic language, exclusive vehicle of the Revelation, 2. to communicate this eternal message to a non-Arabic-speaking audience. Asked whether the commentary of khutbas might be translated into vernacular, the mufti distinguished between the sermon and elaborations on it. On the one hand, he denied permission to recite the khutba in any other language but Arabic. On the other hand, he allowed for the clarification of the meaning of the khutba in a local idiom to those Muslims who might not understand classical or

qur'anic Arabic.⁴⁷ A similar question was posed to the four muftis in Cairo in the early sixteenth century: "Should the Mudejar khatib be permitted to preach the Friday sermon in Arabic and then explain it in Romance afterwards?"⁴⁸ The breadth of the four judges' response is telling. Even if jurists saw the merit in rendering the sermon into an accessible idiom, they were consistently reluctant to condone the translation without qualification. All four muftis agreed that if the imam could recite the khutba in Arabic, he should. The Shafi'ite jurist advised that if none of the Mudejars knew Arabic, they might use the vernacular. This was, however, only a provisional solution: one member of the community was obligated to learn how to give a khutba in Arabic. The Maliki decision was the most rigid: the preacher should not give the khutba in Romance if he knew Arabic. Nor should he explain it afterward in Romance.⁴⁹

Basically, although the jurists preferred to keep a tight rein on standards, all seemed open to the idea that, at least for pedagogical purposes, compromise was permissible.⁵⁰ The manuscript evidence itself, with interlinear Arabic and aljamiado glosses, attests to the emphasis that the Aragonese faqihs placed on teaching and instruction. Such glosses were likely used for teaching purposes and to train young Mudejar scholars who aspired to become faqihs one day.

Faqihs remained highly selective. For instance, they chose not to translate one of their favorite classical preachers from dar al-Islam, the tenth-century Syrian Ibn Nubata. One Mudejar scholar, who copied several khutbas in 1483, presumably to preach in the local mosque, wrote in the margins: "another *khutba*, not one of [the khutbas of] Ibn Nubata; it is a blessed one and suited to render it translated in *'adjamiyya* (aljamiado) for the common people."⁵¹ This skill at picking and choosing from the classics shows that, like the Mudejar faqihs who communicated with and deferred to Islamic scholars in Granada and North Africa, Mudejar preachers saw themselves as being part of Islamic tradition. They saw themselves as mediators of this tradition for their communities by distinguishing classical models from purely local forms of religious expression.

We cannot quite be absolutely certain why the faqihs would have deemed one sermon translatable and another untouchable, although I would posit that theirs was a two-track approach. As we have seen with the Mudejar use and adaptation of the watha'iq and fiqh texts, the faqihs deemed it

important to uphold vestiges of Islamic tradition that were authoritative, sacred, and, in the case of Ibn Nubata, exemplars of literary excellence. A recognized classic like Ibn Nubata, while less intelligible to the flock (if at all), in being preached in Arabic, conveyed *symbolically* the Mudejar exclave's bond to dar al-Islam. Other sermons were rendered into Romance for the sake of efficiency and efficacy, to reach and teach Islamic values to a non-Arabist people. In this case translation strengthened the Islamicity of the Aragonese Mudejar exclave. It would be misguided, then, to simply interpret all translations as characteristic of cultural decline.

Exhortative sermons, a second related source genre, bring us closer to the messages that the faqihs were communicating in their mosques. These follow specific themes (such as jihad) and *maw'iza* or *tadhkir* (to give counsel, often used in the sense of imparting knowledge).⁵² Exhortative sermons provided the faqihs the most effective opportunity to act upon their mandate to "enjoin the good and forbid evil." At this point we can bring again into our analysis the anonymous manuscript circulating in fifteenth-century Aragon labeled "To the people":

For if the knowledgeable leave the admonishing to those who do not know, then, surely, they will not find the way but will perish. For, surely, if the shepherd turns to the wolf, the herd will perish. And so, similarly, the faqih, if he leaves to the people the admonishing, they will perish. For each shepherd is answerable to his herd.⁵³

We should relate to the production of sermons the attested circulation of copies of compilations of hadith, edifying stories of the Prophet. After all, across the religious divide, Christian preachers used exempla collections to give authority, color, and concreteness to their sermons.⁵⁴ At Zaragoza, where we know a community of erudite and elite scholars thrived, the early fifteenth-century imam of Maryam al-Bustan collected stories of the Prophet.⁵⁵ He may have used them for his preaching. Some faqihs circulated polemical texts, as noted earlier in the case of the Aranda scholars. These would have been conveniently incorporated into Friday sermons, allowing preachers to refer more accurately to the distinctions between Mudejar and Christian (and Jewish) theologies. And as mentioned above, faqihs, especially the erudite ones, had a predilection for copying and

studying the sermons of the famous Ibn Nubata. Following the prescription of brevity—five minutes—Ibn Nubata's sermons were poetic and rhetorical and regarded as classical models of elegant expression.⁵⁶ In choosing these *khutbas*, the Mudejars displayed a preference for texts from the “golden age” of preaching. Finally, al-Ghazali, who articulated the scholars' mandate to preach to the “hinterland” (with which we opened this chapter) was a widely popular author among the Mudejars, much quoted by other scholars.⁵⁷

Exhortative sermons seem to have been common among the Mudejars. A full knowledge of the contents would help us to see more accurately the themes that the Mudejars liked to preach, but we lack a systematic analysis of the surviving corpus. We do not have a quantitative sense, for instance, of which *qur'anic* verses *faqihs* drew from most. And while we know that some of our Aragonese *faqihs* studied certain sermons, we don't know for certain whether they used these sermons as models for preaching. Again, the comparative Christian case suggests that they probably did. However, pioneering research allows us to relate preaching contents to the exclave situation. Linda Jones, in her recent study of Muslim and Christian sermons on the Iberian Peninsula, has made a major breakthrough.⁵⁸ Interested in discovering how Mudejar *faqihs* communicated Islamic values so as to create a moral community, she has examined a series of ten exhortative sermons given by a thirteenth-century Mudejar preacher in the Ebro Valley. It offers the first in-depth scholarly analysis of Mudejar homily to date. Here, as in our study of the notaries, it is the details of the manuscript that breathe life into this anonymous *faqih*. In lieu of a name and biography, Jones resorts to handwriting, tone, choice of texts, themes of the sermon, and the messages imparted.

Ultimately, the aim of this anonymous preacher was to nurture the cardinal virtue of forbearance. He hoped to produce a culture of morality among the Mudejars through his preaching and he directed his message, with its various rhetorical strategies, to these ends, using symbolism that infused the religious discourse. To influence his audience, he resorted to what Jones calls a “carrot and stick” approach. That is, on the one hand, the preacher was relatively hard on his listeners. The Mudejars mingled too much with the Christians for his taste, and he pointed out that the tribulations the Mudejars suffered as a subjected people were no excuse for laxity. In one

sermon he recounted a story in which, on Judgment Day, four categories of people—the rich man, the slave, the poor man, and the afflicted—would “try to use their condition as an excuse for their lack of piety. Each person would respectively meet King Solomon, Joseph, Jesus, and Job who would testify against them through the example of their own lives.”⁵⁹

On the other hand, a close reading of the sermons, as Jones persuasively demonstrates, shows that the preacher's primary goal was to recast the Mudejars of Aragon as “paradigmatic community of patient and forbearing Muslims, steadfast in their remembrance of God in joy and adversity, and resolute in their fidelity to Islam” (18). In particular, by persistently observing Islamic laws and the duty to pray, the Mudejars could set themselves apart from and above their Christian neighbors and even overlords.

To this end, the preacher emphasized *sabr*—a term that encompasses patience, self-command, fortitude and temperance—and the remembrance of God (*dhikr*). These were the key virtues that Mudejars should embrace. Ultimately, clinging to these two virtues would serve as a “boundary marker” between Iberian religious communities. The preacher's exhortations to *sabr* and *dhikr* are surrounded by reference to the people of the Book (Christians and Jews) who threw away their covenant with God. By practicing *sabr*, and by maintaining ritual prayer, fasting, and other duties, such as commanding the right and forbidding wrong, the Mudejars could remain superior and distinctive (18).

Significant to this book's concerns, the sermons also proposed a version of the scholar's jihad. The anonymous faqih emphasized his duty, and authority, to “admonish.” In the second sermon in his collection specifically, the preacher pointed to the obligation of the khatib to present pious warnings “to the people” (456–457). If the preacher was to please God and gain benefits, it was incumbent upon him to “enjoin the good and forbid evil.” Equally, he emphasized the responsibility of the people. If the listener was to benefit, he must put the faqihs' instructions “to good use.” Here he invoked Surah 3:104, “Let there be one community of you calling to good, and commanding right and forbidding wrong” (466).

This understanding of jihad is familiar to us. Ibn Miqlash had struck the same note in his correspondence to the Mudejars. Other preachers and faqihs in the Mudejar and Islamic world took seriously the call to create a moral community. We have argued that the fatwas, especially the longer

ones, were the jurists' effort to draw the renegade Mudejars into the correct moral community—into dar al-Islam, as members of the umma. In discussing jihad, Ibn Miqlash underlined this version of inner jihad. He emphasized his role as responsible transmitter of God's word and enjoined the community to listen: "God gives the ignorant the duty to ask God for a guiding scholar so that he learns. God said, "Those who conceal the clear (Signs) We have sent down, and the Guidance, after We have made it clear for the people in the Book—on them shall be Allah's curse, and the curse of those entitled to curse" (2:159). Ibn Miqlash then followed this with an invocation to God that "He benefit us, and you, through knowledge and that He help us with the carrying out of this concept."⁶⁰

Both scholars drew from al-Ghazali extensively in their formulations of faith and tribulation, interpreting the ethical duty to "command good and forbid evil" in a similarly broad sense. The two men felt it important to explain to the Mudejars the significance of the greater jihad, the struggle against the self. Both pointed to the communities' duty to adhere to this task, especially by listening to the faqihs who could guide them in their knowledge, and by acting on their instruction. And both emphasized the role of the learned scholar in shepherding the people and the punishment he would endure if he did not warn, inform, and direct in the right path his flock.

The preacher and Ibn Miqlash, as guardians, shared a quest: to provide a moral framework for the unlearned. More specifically, both the preacher and Ibn Miqlash referred to "the evils of the time," about which they clearly felt strongly. Significantly, both Ibn Miqlash and the anonymous preacher choose to give prominence to *sabr* as the virtue to embrace and cling to in a Muslim's struggle toward God and against evil. Yet, equally significant, the two scholars explained these evils differently, and they diverged in the explanation they gave to Mudejars of the way in which *sabr* as a moral virtue should be embraced and practiced.

Ultimately, the messages the North African jurist and the Aragonese faqih were sending to Muslims living in Christian lands could not have been more divergent. For Ibn Miqlash, the Mudejars' conviction that they would not be well-off in dar al-Islam was *their* evil. Ibn Miqlash employed *sabr* to specifically accuse the Mudejars of coveting wealth. He believed that the Mudejars' reason for not emigrating was their reluctance to forfeit

their land and means of sustenance. In his eyes material loss was no excuse for lack of piety—a piety they could demonstrate by packing up and moving to dar al-Islam. Ibn Miqlash wrote that the Mudejar whose “evil soul makes him believe that in the land of Islam he would not get the amount (*qadar*) [that he possessed] in the land of unbeliever” disavowed *sabr* and *qanaʿ* (contentment or reliance on God), which are the essence of faith.”⁶¹

In the preacher's eyes, on the other hand, the relative well-being of the Christians represented their evil. In the infidels' prosperity he told the Mudejars to read covetousness and lack of faith.⁶² As he understood it, the virtue of *sabr*—forbearance in adversity—distinguished the Christian Spain's Muslims from its infidel majority. The latter was attached to wealth and susceptible to vice. *Sabr* (forbearance in the flight from evil to God) thus was used by the preacher to provide strength and meaning to Mudejar subjugation. And, rather than literal flight (*hijra*) from this evil, through emigration, the preacher focused on *ʿibadat* (pillars of Islam) or *dhikr* as a means to escape toward God, a concept developed by al-Ghazali.

This was a far cry from Ibn Miqlash's use of *sabr*. The jurist introduced it as the antidote to the evil that, as he understood it, had overcome the Mudejars. Rather than underlining forbearance as instrumental to living as steadfast Muslims in Aragon, he insisted, citing al-Ghazali verbatim, that *sabr* “in avoiding the prohibited things is greater than *sabr* in observing the recommended things.”⁶³ Hammering in his point, Ibn Miqlash added that “there was nothing more prohibited among Muslims than surrendering to the infidels and associating with Christians.”⁶⁴ *Sabr* was forbearance in the effort to flee, literally, from the infidel, meaning, forbearance in the effort to emigrate from infidel lands.

The jurist and the Spanish faqih drew from the same tradition. They both made the concept of *sabr* the foundation of their vision of a Mudejar jihad. But their interpretations of this qur'anic concept diverged in lock-step with their respective identifications of “the evil of the times.” So did, ultimately, their articulation of what the Mudejar jihad might be. For the one, material flight; for the other, spiritual struggle within Christian Spain. Real-life discussions do not occur over different source genres, between *fiqh* and *khutba*, but Jones's anonymous preacher could have gone head-to-head with Ibn Miqlash in any debate over the best way “to enjoin the good and forbid wrong.”

How typical was this preacher? Whether or not Jones's Ebro Valley preacher represents a singularity in Aragonese Mudejar religious culture, counterposed intertextually to Ibn Miqlash, this faqih is for our purposes significant. Like other exclave faqihs, the anonymous preacher appears in his role as broker. He interpreted the Islam of tradition and labored to decide where, if, and how this tradition should be modified to fit local culture. He hoped to fortify and protect the Mudejars from assimilation. At the same time, he did not hesitate to threaten and admonish his community. Like Ibn Miqlash, the preacher condemned friendship with Christians, threatening his neighbors and coreligionists with damnation: "The Muslim who spends time with a Christian for forty days in friendship, if he dies during these forty days, he dies as a disbeliever and goes to hell."⁶⁵ The Mudejar jihad would be to cling to Islamic virtues and avoid vice, despite tribulation and subjugation to non-Muslim governance.

Here, again, as with the issue of translation, the tensions characteristic of the exclave identity expressed themselves. Symbolic ideals of a normative Islam coexisted with practical measures of adaptation. Only in a dialectic oriented simultaneously to the universal and the local could this subjected minority adhere to its faith.

Toward the end of the fifteenth century, and into the next, a burst of information concerning Mudejar preachers suddenly appears in the Christian archives. This allows us to suggest, by way of epilogue, how Mudejar mosque culture reacted to the tensions that developed in the decades bracketing 1500, as, first, Granada seemed about to fall, and, second, before and after the forced conversions of 1526. There was on the Christian's side a new interest in the contents of Muslim preaching, in part in relation to the establishment of the Inquisition, a quality record keeper. The political context fostered paranoia and surveillance: in the final push that would lead to its conquest, Muslim Granada was besieged by Christian forces, and the "home front," as it were, feared a Mudejar fifth column of resistance, whose backbone and promoters would have been the faqihs and their mosques. This climate lasted well after Granada's fall. In Valencia, in 1525, for example, incendiary sermons were in the infidels' eyes:

They [the Mudejars] say that . . . none of them could be excused (from prosecution by the Inquisition) because publicly they have had and have

in the present kingdom their mosques and their faqihs, who publicly admonish them that the sect of Mahomat is better than the law of the Christians and that all [Christians] end in this damnation.⁶⁶

From Castile, just over the Aragonese border in the town of Villa de Molina, a 1495 Inquisition case centered on a Mudejar khatib. This Yuçe was accused of luring Christians to Islam, charged with “diabolical persuasion” as a defender of heresy, and arrested for proselytizing Islam.⁶⁷ He was reputed to have converted many Christians to “the law of the moros and Mohammadian sect” by preaching to them that Islamic law was the true law through which men were saved. According to the officials, Yuçe had said that the law of the Christians was false and that, “if only the Christians were aware of the falsehood of their law, then they would become Muslims.”⁶⁸

Such records refract reactions to a growing Christian pressure, which culminated on the conversion edict of 1526. Mudejars and their faqihs had little choice but to accept the shifting landscape and find creative ways to adapt. Rhetorical strategies in sermons meant to keep the flock together seem to have been both diverse and creative. Characteristically, Aragonese faqihs offered a mixture of resistance and accommodation.⁶⁹ The forced conversions in the early sixteenth century, for example, gave birth to some sermons of the narrative or storytelling (*qasas*) genre, which underlined the consequences for those who yielded to Christian pressure: admonitions concerning heaven and hell, eschatological in tone, seem common in the published *aljamiado* texts dating to the Morisco period. In one case a Mudejar writer directed his message to those Moriscos who had lapsed in the practice of their faith. Descriptions of judgment day and eternal fire were intended to intimidate those who had strayed from the community of believers.⁷⁰ Yet other sermons and *aljamiado* literature that circulated among Aragonese Muslims during the same period struck a less threatening tone, offering a more optimistic scenario of Christian-Muslim engagement. A tale, preserved in a sixteenth century *aljamiado* text, recounts the respective fates of a miserly Mudejar official and a generous Christian. The former refused to give alms to a poor Muslim, whereas the latter provided the poor Mudejar amply with food and money, encouraging him to return each year for more if needed. It may be curious that the pious Christian is

privileged over the irreverent Muslim.⁷¹ Significantly, though, a faqih is the central coordinator in the story: he advised the poor Muslim from whom to seek alms; he also suggested to the Christian that he convert to Islam, which the Christian did; he communicated the message that reward and punishment were based on good deeds and good intentions, not outward affiliation with Christianity and Islam. The strategy in this anecdote was both to shame the Mudejars into being good Muslims and to suggest in the face of the contemporary context that Islam was the superior religion. Evidently, the writer would have liked conversions to proceed in the opposite direction from the one the Crown had legislated.

A full exploitation of the quantitatively rich sixteenth-century sermon literature is beyond the scope of this book. This much can be suggested, though: the crypto-Muslims of early modern Spain's ability to respond to forced conversions with a massive production of *aljamiado* texts and sermons owed much to the late medieval faqih leadership. Carefully cultivated bonds with *dar al-Islam*, networks that crisscrossed Spain, an enterprise of judicious translations across different genres, and a homegrown understanding of jihad had guarded Mudejar Islam. We have not yet rounded the picture, though. The next and final chapter will explore another dimension of the Mudejar understanding of guardianship and jihad.

CHAPTER SEVEN



Captive Redemption

From Dar al-Harb to Dar al-Islam

I n 1417 a learned Moroccan Muslim, al-Fasi, on his way to perform the hajj, was taken prisoner in the eastern Mediterranean by Christian corsairs. Prompted by the merchant based in Majorca who bought him from his initial captors, he wrote back to his family in Fez asking to be ransomed. Francisco Rodrigues, the merchant, had turned greedy; he wanted two hundred gold coins. Al-Fasi despaired, for he feared that his community could not raise such a sum. Providentially, a Mudejar faqih who happened to be traveling through the islands heard of his plight and promised al-Fasi help. The faqih advised the captive to pen a letter asking to be ransomed, but not to direct it to Fez. The plea for funds would, instead, travel by way of Tarragona to Lerida (Catalonia). Not only did the Mudejar faqih bargain down Rodrigues, he also agreed with him that al-Fasi would be released in Tarragona in the hands of an intermediary. Aragonese Mudejars, in the meantime, prompted by the faqih, had collected monies and had transmitted them to the Tarragona agent. From Tarragona the intermediary ferried al-Fasi to Atcuna, the Aragonese township that had paid his ransom—half through individual donations, half through a gift of the aljama. They asked him to stay—since he was by profession a “reciter of the Qur’an”—and to serve for a time as their imam. Ultimately, he would return to Morocco.¹

Al-Fasi’s autobiographical narrative puts in motion letters and people across a wide Mediterranean space: North Africa, the Levant, the Aragonese Crown’s possessions in the Balearic Islands, the old Catalan heartland

of Christian Spain, and Aragon proper. He was a faqih; his Mudejar savior was one as well. The characters knew exactly what to do: the merchant, learning that the captive he bought was a Maghribi reciter of the Qur'an, immediately thought of ransom. The Mudejar faqih, hearing of a ransom that cannot be gathered quickly in Fez, directed the plea for collective help to Catalonia, possibly where his best contacts were. These generous Mudejars, in turn, knew how to raise the money, through a combination of individual pledges and institutional grants. The presence of willing go-betweens, in Tarragona but also in Fez—where Rodrigues indicated he had a commercial partner, as soon as he learned that his captive was a Fasi—was taken for granted. The intervention of the Mudejar, thus, was not so much providential as inscribed within the normal rhythms of the late medieval Mediterranean.

By 1417 there existed a vast network devoted to redeeming Muslim prisoners, a system in which the ordinary aljamas of Mudejar Aragon participated as basic capillaries. This chapter will explicate the role faqihs played in this system, as organizers, middlemen, coordinators. It will also propose that the ransoming of captives and otherwise enslaved Muslims from both Christian Spain and dar al-Islam constituted, in Mudejar eyes, next to the virtuous living under infidel rule discussed in chapter 5, a second form of jihad possible from within dar al-harb. Given this practice's translocal geographical scope, it will take us through information spread beyond Aragon. We begin, then, with a synthetic, broad stroke description of the redemptive process; move on to a discussion of its place in the writing and religious culture of the faqihs and finish on the question of resistance and jihad.

Considered in its entirety, the traffic of Muslims stumbling in and out of captivity was staggering.² Both foreign and local Muslims were caught within the Christian bureaucratic web of oppression, although in different ways.³ For any number of trivial reasons, a Mudejar could be deprived of his or her freedom. It was very easy for Muslim dependents to become enslaved to their lords, either through penal servitude or through "contracts of servitude" (*carta de cativeri*) drawn up between lords and Mudejars until outstanding debts were paid. A Mudejar traveling without permission could be arrested. A Mudejar seeking alms without a begging license could be enslaved. Other instances of servitude are more complicated. Muslim prostitutes or women convicted of adultery often ended up sentenced to

enslavement to the Crown or Christian lords. Entrapped by two penal codes, sexually delinquent Mudejar females stumbled into a cruel cycle of servitude from which it was difficult to escape.⁴

Foreign Muslims, on the other hand, usually entered captivity as the victims of corsairs and pirates. Plucked from the shores of North Africa or snatched from their boats while traveling as merchants or pilgrims to Mecca, countless numbers ended up sitting in chains in Christian ports. Less innocent agents—Muslim corsairs—might end up in the hands of their would-be infidel prey. And the vagaries of war and peace could produce hundreds of captives on both sides. For example, the Christian crusading response to a North African attack on Torre Blanca in 1397 resulted in a large number of Muslim captives transported to Valencia and nearby ports.⁵ Similarly, a century later, in 1487, the fall of Malaga saw 385 Muslims taken prisoner and whisked off from that city to Valencia.⁶ Redemption activity was correlated to these sorry fluctuations. Andrés Díaz Borrás estimates that 1,063 foreign captives were redeemed between 1381 and 1480.⁷ Meyerson calculates that 108 Granadans or Maghribi Muslims were ransomed between 1483 and 1504.⁸

Given this book's focus on the bonds between the Mudejars and *dar al-Islam*, it is primarily the efforts to liberate foreign Muslim captives that interest me, but they cannot be addressed independently of the parallel Mudejar rescuing of their own relatives and neighbors from various forms of servitude to Christians. As we shall see, the informal institutions governing the Mudejar redemption of other Mudejars and of coreligionists from *dar al-Islam* were closely related. It is even a question whether the two practices can be distinguished from the standpoint of Muslim ethics. The principal difference, possibly, lay in the more immediate access that Mudejars had to their own families and communities. For a non-Mudejar Muslim captive, assistance was harder to come by, and the logistics of his or her redemption more complicated.

If we follow the process of redemption along its several stages, it becomes clear that, by the fifteenth century, the handling of foreign captives had become a fiscal enterprise for the Crown treasury and a commercial object for Christians in general. But the fate of foreign captives also became the concern of local Mudejars who intervened and aided their Muslim brethren in multiple ways. They served as intermediaries, negotiating

with Christian captors the ransom price and the various means and avenues by which it would be paid. Mudejars would put up the money for these redemptions, either in part or in full. Some Mudejars even bought the captives outright, only to free them afterward. Mudejars gave alms to these men and women as they came begging through their aljamas and sheltered them. Mudejars could also serve as guarantors for the captives during the time that the foreign Muslims were freed to raise their own redemption fees. While much of this support constituted straightforward charity, it also involved more complicated organizational tasks that were sometimes translocal. Individual Mudejars could not afford to give continually. They had to be reimbursed, at least in part. They had to organize themselves and their communities to raise money.

The first phase of a captive's odyssey in enemy territory often began in a Christian port. There, local officials questioned him or her, to determine whether he or she was a prisoner *de bona guerra* (meaning seized in conditions of declared warfare).⁹ Preserved in the archives, these testimonies tend to be no more than terse bites of information. Strictly answering the official questionnaire, they itemize the Muslim's hometown, profession, and the circumstances under which he or she had been captured. Sometimes, however, the captives drew out their answer to the last question, yielding colorful accounts of drama on the high seas.¹⁰

Crown officials imposed this registration process on corsairs, traders, and soldiers, since they were wary of violating the *de bona guerra* provision in bilateral international agreements with neighboring Islamic polities.¹¹ Imprisoning men and women who were not legitimate captives could have dire consequences. Sultans—starting with those of neighboring Granada—fumed when it came to their attention that Muslims had been seized illegally.¹²

The exchange of captives, in fact, often constituted a pivotal issue in diplomatic relations between the Crown of Aragon and neighboring Muslim states. Muhammad V of Granada (r. 1354–1359 and 1362–1391), writing to Peter IV of Aragon (r. 1336–1387), badgered his Christian counterpart to honor the stipulations of a peace treaty (one of many between Granada and the Spanish Christian kingdoms). Muhammad complained that a peace treaty had been “faithfully respected, in all particulars, until Ibiza, and Majorca and the islands broke the truce and the islanders carried out

several reprehensible attacks, behaving themselves as if they were combatants in an all-out war, carrying Muslims off as captives and transporting them with goods and other things back to their own land." Evidently Peter had tried to excuse this attack by arguing that the captives were not Granadan but North Africans. Muhammad's retort was firm: "a letter was sent to you pointing out that North Africans and others were covered by the truce concluded, and that the same obligations had been incurred with respect to them as with respect to the people of our country, so that Christians ought not to be presenting Muslims for sale in Valencia and elsewhere openly and before witnesses, something which has been going on right to the present." The Sultan closed his letter by sternly requesting that such abuse be rectified.¹³ In general, Islamic authorities showed deep concern over the conditions of prisoners of war, and top officials in Granada and North Africa managed to pull diplomatic strings and insert provisional clauses in their treaties with the Crown of Aragon to secure their release.¹⁴

Once a Muslim captive had been judged to be a legitimate prisoner, his or her fortune could take several turns. Some captors (or people who bought human cargo from them) wished to retain these men and women as labor, but most were open to negotiating a ransom deal. Captives could be ransomed either by Mudejars or by Muslims in *dar al-Islam* (or by a combination). Christian officials preferred the second option because, as we shall see, it meant money coming into Aragon, not resources being drained from the kingdom if the corsairs or the final holders of the prisoners were Christian foreigners.

In North Africa and Granada Muslim communities traditionally raised ransoms for captives through the mediation of individual merchants, *faqihs*, and local officials.¹⁵ The traveler Ibn Battutah, writing in the first half of the fourteenth century, depicted Muslim *faqihs* and *qadis* in Malaga sitting in a mosque gathering ransom funds.¹⁶ A contemporary sufi, Muhammad al-Sahili, recounted how the same city's community ransomed a load of Muslim captives put up for sale on a Christian ship moored in its waters. The entire population of Malaga convened on the beach for a collection of alms earmarked to buy the prisoners.¹⁷ Individual merchants from *dar al-Islam* also participated in the ransoming. In 1313 one Ibrahim Argenter traveled to Majorca to ransom thirty-two captives from his native Bugia on the strength of a promise made by Gregori Salembé to the authorities

of his city. In the same way, in 1353 Mohamad al-Rachi, a merchant from Tunis and a *fakkak* (a semiprofessional redeemer),¹⁸ left Majorca for Tunis on a Majorcan boat with captives returning home.¹⁹

Muslims looked at redemption as both a virtue and a communal responsibility. Frequently, however, the captives received little help from home and had to deal themselves with their stroke of ill fortune. If parents or relatives or diplomats or the sultan did not come to the rescue, the raising of funds was usually shouldered by local Mudejars. This aid, in fact, often constituted a critical factor throughout the process that allowed captives to regain their freedom, and, if they were fortunate, their passage home. The Mudejars functioned as mediators in a plurality of ways. They ensured the transmission of messages to the captive's family and community to inform them of the situation and of the ransom being asked. Mudejar faqihs might even pen these letters (or, as in al-Fasi's case, dictate their terms).

This did not always mean, however, that captives went directly home. In a second phase on the road to liberty, they spent a number of years repaying the loans or raising enough money to buy the exit fees to dar al-Islam. For these purposes, ex-captives circulated the *morerías* begging for alms. Simply paying the exit prices out of Christian Spain might require extra years of mendicancy. And this would come after years spent raising the sum demanded for his manumission. For the late fourteenth to early fifteenth century, basing her figures on the amount of alms that one could collect with a beggar's license (twenty to twenty-five sueldos monthly), María Dolores López Pérez has evaluated that a captive would need at least six to seven years to buy his or her freedom.²⁰ Here too the road to Muslim liberty was intricately entangled with the infidel institutional environment. Christian authorities issued beggars' licenses that permitted Muslims to circulate the *morerías*. Purchased for a price of ten sueldos, these licenses needed to be renewed on an annual basis on penalty of high fines. In many cases, if caught begging without a license, Muslims were thrown back into prison.

Consistent with the proto-mercantilist mentality of the age, Christians prohibited Mudejars from offering financial backing to Muslims from dar al-Islam seeking to return to their homeland. A law, first promulgated in 1342 by Pedro IV, stated that foreign Muslims could not "redeem themselves with the money of the land" (*rescatarse con dinero de la terra*).²¹ The

alternative preferred by royal officials was that Muslims either raised funds from Islamic lands or arranged for their release by locating a Christian captive to exchange for his liberty. Initially motivations may have been economic; too many foreign Muslims were circulating and the funding provided by the aljamas constituted a drain of internal resources. Funds paid to non-Aragonese intermediaries and captive owners, for example a Genoese corsair, would indeed leave the kingdom. Furthermore, captive return meant loss of labor for Christian lords. Pedro's reasoning also took a clear political tack in 1363 when he renewed the prohibition. The king had barely emerged from a Mudejar revolt in 1360–61 as well as a financially exhausting war with Castile. Redemptive begging was thus forbidden "because of those foreign Saracens sinister rumors might be spread and conspiracies conducted."²²

Like many laws, the prohibition was enforced erratically and when it best suited Christian officialdom.²³ Parts of the administration often had conflicting interests, as in all complex states, premodern or modern. In 1441, for instance, Queen María (a daughter of the king of Castile, she was the wife of Alfonso V and lieutenant general of the kingdom) emphatically forbade royal officials from accepting money from foreigners, former captives hoping to emigrate from Valencia.²⁴ María also ordered these authorities "to see to the arrest of the said Barbary Moors who go begging through the morerías of the present kingdom."²⁵ In this sweep, at least twenty-four foreign Muslims were arrested and forced (once again) into servitude. But María's intervention hardly stopped the flow. Both Mudejar financial contributions for the redemption of foreign captives and foreign Muslims circulation in the morerías with (or without) licenses are densely attested in the late fifteenth-century archives.²⁶ The Crown realized that foreign Muslims often had no other alternative for raising money. And royal officials weighed the ten sueldos they received for the purchase of an exit license against the effort expended to enforce the prohibition.

Finally, having raised funds, in a third and last phase of the process, the captive would try to return to his or her homeland. In his study of redemptive activity, Díaz Borrás charts the exit taxes that Muslims departing from Valencia paid between 1381 and 1480. There were four fees: the *delme* (a tenth on the value of the goods that leave Christian territory), the *delme de rescate* (a tenth on the value of the price of redemption), the *besant*

(four sueldos per head), and the *mitja dobla* (nine sueldos).²⁷ Between 1381 and 1414 it seems that the captives did not pay the *delme de rescate*.²⁸ From 1414 onward, emigration was made much more difficult for Muslims (foreign and local), for it seems that the *delme de rescate* was applied. Christian owners, or handlers, tended to pay 136 sueldos, otherwise foreign Muslims could not pass legally into Granada or North Africa.²⁹

As we saw with al-Fasi's ransom, Mudejars could play a key if informal mediating role. The Mudejars who involved themselves in the redemption process came from all strata of society, whether or not they had the financial means to help. This activity flew in the face of the stereotypes current in the learned circles of dar al-Islam. Those Islamic scholars who equated jihad with emigration were incensed that Mudejars chose to stay in Christian territory and attributed this decision to their unwillingness to make economic sacrifices or give up some comforts. Yet Spanish documents do demonstrate that Mudejars readily skinned themselves for their brethren. Most Mudejars were not wealthy, and yet continued to give to the community *waqf*, contribute to the salary of the faqihs, dole out *sadaqat* (charity), and help ransom captives; they placed value—and merit—in these acts. The petitions for help from captive Muslims must have at times overwhelmed Mudejar communities; as the need was commensurate with the pace at which captives were taken, the pressure on an aljama's resources must have been regular and unrelenting throughout the fifteenth century. Mark Meyerson, on whom I rely in the following paragraphs, has demonstrated that between the years of 1488 and 1493, after the fall of Malaga and the importation of hundreds of captives, redemption activity extended over forty different communities in Valencia. This was a communal effort, and both wealthy and poor contributed. Often an entire morería would cooperatively put up the funds necessary to free a Muslim. Records of Mudejar debt to Christian captors show clearly that both individuals and entire aljamas overextended themselves.³⁰

Spur of the moment generosity, however, was not the only issue at play here. Mudejars also took considerable financial risk in serving as guarantors for a captive's redemption. A coreligionist, usually from a local morería, would vouch for the captive and guarantee, at the risk of losing his own property, that the captive would not disappear before having raised a specified amount toward the total redemption price. If a Muslim captive

happened to flee, the guarantor lost his deposit; this usually jeopardized his own and his family's livelihood. In 1488, for example, a Mudejar couple, Azmet lo Ferrer and his wife Camuça, arranged for the Granadan slave, Cahet Salem, to beg in their company for sixty pounds in royal Valencian money. If the couple and the slave did not come up with the sixty pounds by a set date, Azmet and Camuça would mortgage their own property and persons.³¹

Mudejar generosity toward extraneous Muslims is all the more remarkable given that they simultaneously strove to redeem their own. They worked to free their members from debt bondage and other forms of slavery; they also had to deal with the vagaries of internecine Christian conflicts across the borders of the Spanish kingdoms. In 1489, in the Calatayud region, Johan de Capata freed a couple, Ali Dubuz and Vitralfac Abacalhagi, after having received payments from the faqihs and Mudejars of Morés, Savinan, and Calatayud. Each aljama had contributed 660 sueldos. And in 1463, a lord of Huesca, Johan de Olzina, granted a *vendición de censal* to the aljama so that it could collect the money to free thirty-five Mudejars. They had been taken captive by *los cavalleros castellanos*, (some knights from Castile), who had demanded a 7,500-sueldos ransom. If the money was not collected posthaste, "the aljama" would incur a "great loss and destruction."³²

All strata seem to have participated in the redeeming process, from well-off Mudejar merchants in Valencia to blacksmiths in Aragon. It straddled both rural and urban communities. Merchant families, who were in the best position to negotiate ransoms and to aid their fellow Muslims financially, seem to have done so consistently.³³ The Ripolls, Xupios, and Razbaydas (all prominent merchant families in Valencia) aided both Mudejars and captive Muslims, either clandestinely, by shipping Mudejars to North Africa in the holds of their ships, or legally, by offering to pay the *dret de delme* required of all Mudejars wishing to emigrate.³⁴ Individual Mudejars, even women, fulfilled this duty by giving sadaqat. Two Mudejar women from the Ripoll family provided the financial backing required by royal officials for a poor Muslim woman named Axa from Berbería. Nuza and Fatima paid a security of 200 florins that guaranteed that Axa would not run away from her debts and obligations but would collect, by begging through the morerías, the 330 florins to secure her redemption.³⁵

These merchants were all the more indispensable owing to their connections with the Christian community. Jusef Xupio, for example, proved to be an indefatigable *fakkak*.³⁶ After the Christian raids on the North African coast—reprisals for the Muslim attack on Torre Blanca in 1397—Xupio acted as one of the primary guarantors for the redemption of the Muslim captives.³⁷ In 1410 Xupio, alongside other prominent Mudejar figures in Valencia, once again was an active participant in redemptions. He also served as a *fakkak* for the Christians—indication that the Christians trusted him to negotiate with Muslims successfully and bring back their own captives safely.³⁸ Another prominent merchant, Mahomat Ripoll, used his connections with local Christian officials to navigate the obstacles that faced the freed Muslims who tried to return to dar al-Islam. Mudejar merchants' motives were complicated, often combining an interest in profit and the desire to perform a charitable act. One's social esteem rose and fell on such processes.

That foreign Muslim captives were dependent upon Mudejar generosity was no secret. Granadan authorities, at least, given periodic conflicts with their Christian peninsular neighbors, were familiar with the redemption process and knew that, if they did not provide the redemption funds from their own coffers, captives would have to rely on the good will and alms of the Mudejars to help them return home. Dar al-Islam had been aware of this Mudejar mechanism since at least the beginning of the fourteenth century. In 1303 Bernat Sarrián, a prominent and well-traveled ambassador who shuttled between Aragon and Islamic lands, requested the Islamic authorities of Granada to lend their weight in persuading Mudejars to raise the necessary cash for the release of two captives who were in his possession (the Arabic says they were his *mamluks*, slaves). The Granadans obligingly wrote to the Crown's Mudejars:

To the fuqaha', 'ulama', *a'imma*, *umana*', *shuyukh* (. . .) and the people of the towns and, in general all the Muslims wherever you may be, in all the districts, regions (. . .) of the lands of the King of Aragon (. . .) the two bearers of this letter, Abu 'Uthman Said ibn 'Iyad al-Sinhaji and Ibrahim ibn al-Faqih are directed to you because they have arranged for their redemption with their lord, the honorable gentleman (. . .) Bernad Sarrián, for a price whose sum is two hundred mitqales (. . .) the said

captives have come to collect, asking the Muslims for alms that you would bestow on them by your generosity.³⁹

The formulaic tone of this letter of introduction suggests that Granadan authorities had previously utilized such means of appeal. Ambassador Sarrián and the two captives he both patronized and exploited, al-Sinhaji and al-Faqih, seemed to have played by the letter of the royal law—but not much more—that forbade the use of Spanish monies to redeem captives. They did turn to Muslim authorities in *dar al-Islam*, but to obtain from them a fig leaf. It was the Granadan officials who transferred the financial burden of redemption to the Mudejar community. Bernat's initiative, as a captive owner and an influential ambassador, should not surprise us. We have met before instances when Christians, familiar with Islamic duties and laws, exploited them to their advantage rather than undermine them.⁴⁰ In this particular instance Sarrián was successful because he understood the value system of the Mudejars and the nature of their ties to *dar al-Islam*.

Al-Wansharisi might well claim that one could not under infidel rule fulfill the Islamic duty of *zakat* through the performance of *sadaqat*. But some of his colleagues did recognize that there existed a Mudejar network, based on intensive alms collection, that helped imprisoned coreligionists. An interesting fatwa survives from the pen of Abu Sa'id Faradj b. Lubb (d. 782/1381), which discusses a female Muslim captive in Christian territory. A muezzin had collected community funds which were, in turn, given to the alamin to pay part of the ransom. Because the amount was insufficient to meet the redemption price, however, the woman was compelled to circulate among the *morerías* to beg for alms until she had raised the remaining sum. This fatwa is one indication that *dar al-Islam*'s jurists were aware that Mudejars gave generously to captives, so much so, in fact, that this woman had ended up with a problematic excess of money.⁴¹ Abu Sa'id Faradj b. Lubb, far from worrying about the religious status of the communities, which, while stranded in *dar al-harb*, worked for the Muslim common good, pondered over the intertwined issues of logistics and equity. As we shall now see, this concern was shared by the faqih elites in Christian Spain.

Al-Fasi's account suggests that faqihs relied on letters to request funds translocally, to coordinate their collection, and to supervise their

disbursement. Mudejar faqihs wrote to community leaders and to other faqihs on behalf of captives, singular or plural. One Arabic letter, drafted by local Mudejars, pleaded with Valencian aljamas to contribute what they could for an aged and destitute Moorish prisoner.⁴² Several fifteenth-century Aragonese letters, also in Arabic, circulated between faqihs. Veritable “pauper letters,” they introduced the captives and indigents and detailed their individual plights to Mudejar communities. One document, torn and difficult to read, yet intriguing, appears to have been drafted in Zaragoza in 1418 by the imam of a mosque. It appealed to Aragonese Mudejar communities on behalf of a Muslim captive named Muhammad, known as Ibn al-Fahh, originally from Malaga in Granada. Muhammad plaintively explained that he had been in captivity for ten years, “(continuously) afflicted with an abundance of troubles.” Due to the condition of this document, it is not clear precisely whom he had already asked for alms, but it appears to be accounting for the original redemption price and the amounts that had been donated to date. Most notable is the precision with which the breakdown of Mudejar contributions is given. Both Borja and Zaragoza are mentioned. Evidently, the community of Borja had provided two-thirds of the necessary sum. They were, to cite Muhammad’s praise, “the second people—the generous ones . . . whose status is made higher . . . for their benevolence.”⁴³

The language of this letter is intentionally emotive. In explaining that poor Muhammad had been imprisoned for ten years, “ten” is rendered as “the number of fingers of his hands.” Yet it is also chiding in tone, providing a note of moral pressure and expectation.⁴⁴ The captive, or rather the Aragonese faqih who composed the letter for him, praised the charity (*sadaqat*) of those who had helped already and added that their munificence shamed “those parsimonious ones” who were less generous.⁴⁵ The language finally, is also formulaic, in the literal sense of the term: a comparison with other documents shows that Muhammad Ibn al-Fahh’s sorry personal tale was written into a preexisting pattern.

Indeed, two actual Arabic formularies, meant to be filled out by a Mudejar copyist dealing with real-life cases, have survived, collocated following one another in a single manuscript. The end-product letter that the first model would have generated would have been directed to the “*fuqaha’*, *umana’*, *qadah* and *hukkam*, the old and the young” among the Muslim

communities “wherever they may live in the regions of Aragon and Valencia and Castille.”⁴⁶ It began by asking that God protect the recipients of the letter through his grace. The formula attested that the Muslim who had the certificate in hand was in need of support. He was (and here we see the extent to which Muhammad Ibn al-Fahh’s case might have been simultaneously topos and reality) a “sad, poor, and humiliated” Muslim. He who approaches “you,” the formula went on, comes from “our” town or from a neighboring town, and “has children to support, [and is] indigent, with no property or resources apart from his hope of your charity and what he obtains thanks to your kindness.” This is followed by the request that the recipients of the letter bestow alms in their customary generous manner.

The formula then provides instructions to insert the date, along with a note that the letter has been drawn up and notarized by the scribe at the request of the fuqaha’ who served the local mosque. The name of the Muslim requesting the alms and his or her hometown were left blank, to be filled out as needed. The letter was supposed to end by conveying the scribe’s greetings to the fuqaha’ and others who might read this document, along with a polite, if rhetorical, show of learned humility: “I have written this in haste and ask that all the fuqaha’ who read it” pardon its mistakes and brevity.

The second document should properly be called a semiformulary: it presents a real-life case, based on an actual letter, but it has abstracted some details from the original to make it pliant for the modeling of other similar instruments.⁴⁷ The scribe, acting on behalf of a community, its amin, and other elites, began in a similar way, addressing the letter to Mudejar faqihs and communities: “God blesses with a long life the good fuqaha’ and pious judges (*qudah*) addressed to the people of Aragon and Valencia and Catalonia.” The original supplicant and his specific plight were identified. He was a *hakim*; a Christian lord had confiscated almost all his possessions and then imprisoned him, intending to keep the hapless Mudejar in fetters until he handed over an additional thousand sueldos.⁴⁸ The letter detailed the efforts that the scribe and his associates had made on his behalf: they had appealed to the Christian lord three times in vain and finally managed to raise the full ransom and secured his release. Now they were asking their Muslim brethren who encountered this unfortunate but worthy man to provide him with the means by which he might recover economically.

The document as we have it was copied (or recopied) from a text that comprised two parts: the circular letter proper and an addendum, from a second scribe, which explained that the circular letter was itself a new copy, established at the beggar's request, of a damaged original. Having gotten wet, the circular letter had proven difficult to read. The second scribe, therefore, was transmitting the original contents word by word, "as faithfully as was possible." In reproducing this addendum, the semiformulary's author likely considered that hazards such as this would occur periodically, and therefore their pattern deserved being made available.

The semiformulary likely was produced out of a local case of enslavement or debt imprisonment; the first document also dealt with a Spanish Mudejar, this time compelled to beg out of sheer poverty. But the same mechanics governed the liberation of imprisoned Mudejars and the redemption of captives harking back from *dar al-Islam*. And the latter, as Muhammad Ibn al-Fahh's case and others show, turned to begging to reimburse, in part or whole, their redeemers or to collect the ransom themselves. While not a Mudejar, Ibn al-Fahh trotted out a letter that is clearly related to the formularies. It detailed the suffering he had endured at the hands of his Christian captors, the funds that had been gathered for his redemption fees to date, and the sum that remained to be raised. It also adhered to the general formulary in structure: introduction, explanation and story, and supplication. It was undersigned by three Mudejar witnesses testifying to his story (an understandable variant given that a foreigner could not expect, unlike a Spanish debt prisoner or slave, his own mosque's *faqih*s to vouch for him). Finally, al-Fasi's autobiographical narrative depicts a collective redemption effort carried on a supralocal scale. Here, as well, it dovetails with the formularies in their expectation that a begging tour might cover a vast area—in the one case, the main regions of the Aragonese Crown, in the other, Castile, Aragon, and Valencia. The scope of the redemption process must have raised basic issues of equity.

The detailed disclosure of the financial arrangements and of the contributions received that one sometimes finds in actual letters, and that formularies left a space for, lead one to surmise two things. First, these documents served not only to verify and explain the supplicant's impoverished condition but also to put pressure on the Mudejar communities. After all, they publicized contributions or (by omission) failures to pitch in. Second,

these details underscore the importance to the faqihs of an equitable division of financial burdens. For not only did the faqihs face the challenge of raising funds and collecting alms from some relatively poor communities, but they were preoccupied with fairness in almsgiving, both for the petitioners and the contributing communities. The scribes' attentiveness to the details of the ex-captives' plights was vital in helping determine each petitioner's qualifications for aid.

Pre-Reconquest Andalusia had in place a system to distribute alms. The 'ulama' of Cordoba gathered in the town square and doled them out from zakat funds. This was traditional for Islamic societies, where the 'ulama' had this function of distributing to the poor and monitoring distributions. By virtue of their religious authority and reputation as trustworthy men, they supervised the allocation of these funds according to individual needs.⁴⁹ These elites included notaries. As in Christian Europe, though, "need" was geometric and tied to status and social esteem, not strictly arithmetic and economic.⁵⁰ To receive alms, one had to be among the "deserving poor." The Qur'an 9:60 specifies eight categories of people deserving of the zakat, including the wayfarer, the captive, the scholar, and those in debt. Many Muslim thinkers, like al-Ghazali, expounded upon these categories. Scholars and sufis ranked high. Further down came those Muslims who had lost their possessions or who had become impoverished due to personal misfortune.⁵¹

Contributing toward prisoners' redemption was meritorious for anyone, but was considered mandatory for the closest relatives. According to the laws of *fida'* (ransoming), parents and children of captives had an obligation to provide ransom funds before communal aid was sought. This was well understood among Spain's subjugated Muslims. To cite the *llibre de la çuna i xara*, a compilation of miscellaneous laws pertaining to Mudejars in Valencia, presumably translated from the Arabic into Catalan in the early fifteenth century: "Parents and children are obliged to redeem each other, while siblings and other relatives of the slave may use their discretion in the matter of the slave's redemption."⁵² This might lead relatives to engage in begging tours. In 1433, for example, the general bailiff of Valencia sold a begging license to "Mariem," the wife of Ali Muro, permitting her to travel "throughout the kingdom" in order to raise what remained of the manumission fee for her daughter.⁵³ Christian laws set down related obligations.

If a Christian was taken captive by “men of another faith,” and if this occurred in battle, he had the right to be exchanged for any Muslim captives available. Thirteenth-century laws also put pressure on the captive’s family to ransom him, stating that, failing this, the captive was not obligated to pass on his inheritance to them. In the event that the Christian died in captivity, the Crown could confiscate his property, disinheriting the delinquent family.⁵⁴

The Mudejar certificates and formularies, and the concerns that they refract, owed little, though, to an Iberian infidel model. They may seem vaguely similar to the begging licenses that Christian officials sold to both Muslims and Christians, allowing them to wander through towns and villages to raise funds. But they more closely resemble letters that circulated between eleventh and twelfth century Jewish communities in the Mediterranean. They share a formulaic structure, and their intent was similar: to introduce a supplicant and vouch for his or her credibility and desperate need. Like our Mudejar documents, the Judeo-Arabic letters described the plight of the petitioner and drew from scriptural verses to underline the pietistic obligation of charitable giving. Cultural influence here was a two-way street. As Mark Cohen, who recently edited a number of these letters, points out, the Jewish scribes were using the epistolary formulae of Arabic administrative diplomata, including the stylistic conventions of the Arabic petition: introduction, exposition of the case, request clause.⁵⁵

Both the Mudejar exclave and the Jewish diaspora found useful a formal means of communication by which poor “strangers” could be introduced to local leaders as worthy recipients of aid. But our Iberian letters resemble their Jewish counterparts in more than form. As Cohen’s collection so clearly indicates, many of the Jews had fallen into debt on account of the poll tax that they were obligated to render to the Muslim host governments. To pay it, Jews of sharply limited means had to take loans and receive aid from coreligionists.

One of the Cairo Geniza letters was written by no less than Moses Maimonides (d. 1204). Addressed to Jewish communities, it urged them to contribute to the redemption of coreligionist captives. Similar to the Malagan captive letter of 1418 examined above,⁵⁶ it mentions the contributions already made toward the ransom. The values Maimonides appealed to are by now familiar: “Having contributed as much as we ourselves are able,

you too, should do for them as befits your generosity and your [renown] as seekers of merit [through] kindness and love. Write to tell the amount you obtain on their behalf, through God the Exalted's favor and your own. Exert yourselves to collect it quickly."⁵⁷ Other letters, as in Christian Spain, detailed the sad stories of former captives.

We can summarize by way of example a document issued on behalf of a certain Jacob. He had been imprisoned by non-Jewish creditors of his assassinated brother and subsequently redeemed by his fellow Kievan Jews, who had also paid part of the brother's debt. Compelled to find funds to reimburse the remainder, Jacob had made his way to Egypt for this purpose. The letter served to introduce him and his misfortune: "His brother went on the road and there came [brigands] who slew him and took his money. Then came the creditors and took this man Jacob captive, they put chains of iron about his neck and fetters about his legs. He stayed there an entire year [. . . and after]ward we took him in surety; we paid out sixty [coins] and there yet remained forty coins; so we have sent him among the holy communities that they may take pity on him." The letter also underscored that, like the Aragonese Mudejar *hakim* who had "fallen on hard times," Jacob was an honorable and dignified man, among "the givers and not the takers," from a good family.⁵⁸ Witnesses from the Kiev Jewish community signed and attested to the truth of all this.

In general, both Jewish and Mudejar letters were directed to local leaders. Both religious communities appealed to the virtues of charitable giving. Scripture was quoted: Jews called on the Talmud; Mudejars cited the Qur'an. The letters attested to the urgency of the situation; they referred to witnesses of the petitioner's tale. When the letter writers knew the captive's resources, they detailed his or her destitute state and the efforts already made on his or her behalf. They relied on traditional definitions of the "deserving poor" and the innocent victims of fate.

Christian captive redemption could rely on formal institutions to compel coreligionists to succor the destitute and to monitor the ransoming processes; within dar al-Islam comparable mechanisms to force contributions for the poor and to organize and supervise them existed. In their inability to call upon institutional means of enforcement, the Jewish minority in Muslim Egypt and the Muslim minority in Christian Iberia resembled one another. Mudejars could, and did, appeal to local infidel officials to

intervene in their financial quarrels over redemption, sometimes successfully so. But here, as in other areas concerned with the maintenance of Islamic norms, much was left to the *faqihs*' leadership. They sought to establish a system whereby *aljamas* contributed equitably to the needs of poor *Mudejars*. This could not have been easy, since *aljamas* were not only often strapped for funds, but known to squabble or engage in petty competitions in order to preserve their community resources. *Mudejar* communities' jealously guarded their *waqf* funds. In 1403, for instance, the qadi of the Gandia (Valencia) mosque complained to Christian officials that local *Mudejars* who used the mosque refused to contribute toward its upkeep and pay the salary of the local *faqih*.⁵⁹ The impresarios of redemption had to reconcile a very real petty *Mudejar* localism and the equally genuine *Mudejar* aspirations to serve the global *umma*.

The letters of introduction circulated among the *Mudejar* *faqihs* suggest that they intended to reproduce the classic Islamic practices of alms distribution, to the extent this was possible in *dar al-harb*. The challenge before them was twofold: to establish a procedure and criteria by which to distinguish the needy and indigent (a challenge considering the multitude of impoverished *Mudejars*) and to find a means by which to monitor charitable contributions by individuals and communities.

Aragonese *faqihs* were successful in some of their attempts at dividing the financial burden among individuals and communities for the redemption of native *Mudejars*, and we must assume this applied as well to *dar al-Islam*'s captive denizens. In the Calatayud region, in [1489], Johan de Capata freed Ali Dubuz and Ali's wife after having received payments from the *faqihs* of Morés, Savinán, and Calatayud. Each *aljama* had contributed 660 sueldos.⁶⁰ Practices of equitable division probably varied as much as prices asked for captives varied. In some cases the redemption fee may have been comparatively modest, and it would not have been necessary to have *aljamas* collaborate and pool their resources. A single *Mudejar* community could contribute the entire sum needed. In 1477 the *Mudejars* of Morés raised two hundred sueldos to pay back Abdallah el Maestro for the ransom of Lop de Azobra.⁶¹ But, in other cases, as with the rich *hakim* of the semiformulary, the sum demanded was steep enough to require many contributors, hence such boilerplate appeals to "Aragon and Valencia and Catalonia."

A Valencian episode, not bearing on redemption but on something much more treasonous, suggests that faqihs had ways to estimate and monitor individual, and hence collective, abilities to contribute. In 1487 it was reported to King Ferdinand that Valencian Mudejars had been sending financial support to the Nasrid rulers of Granada, and this since 1481, as the Christians closed in on the last Muslim enclave in the Iberian Peninsula. Faqihs in each *morería* were collecting funds from every Muslim. They recommended a contribution that would equal “the value of the hides of all the animals they had slaughtered,” possibly, believes Mark Meyerson, during the *‘Id al-kabir*, the yearly communal sacrifice commemorating Abraham’s act of ultimate subjection to God’s will. This quota, while not exactly corresponding to the *zakat* percentages contributed by Muslims in Islamic lands, measured charitable giving. If we assume that—in the fifteenth century as in today’s North Africa—richer households sacrifice more rams, and more expensive ones, it was, like *dar al-Islam*’s tithe, vaguely proportional to wealth.⁶²

The formulary and other letters indicate that the captives and impoverished were aware of the Islamic criteria for the distribution alms and eager to describe themselves as meeting them. Foreign Muslim captives like al-Fasi may have been granted priority in the eyes of the Mudejars and their faqihs by virtue of the fact that redeeming them provided a connection to Islamic lands, a demonstration of their loyalty and solidarity to their co-religionists. The fate of other categories of indigent is less clear. Sexually delinquent women condemned to enslavement would have been quite low on the list of the deserving poor.

Written records served to tally, coax, recognize, praise, monitor. Two brief fifteenth-century Arabic documents refer to the sums contributed by two Mudejar *aljamas*, respectively Calatayud and Guadalajara. These are two simple pieces of paper, not formulaic, but rather resembling a business record. The first was penned by a scribe in Calatayud, probably a faqih, who verified the sum donated by his *aljama*—ten *suelos*—to “the mentioned.” The expression suggests that the note was appended to a dossier of documents.⁶³ The second record originated in nearby Guadalajara (across the border in Castile) and pertained to an otherwise unknown *‘Aisha*. A Mudejar, again probably a faqih, had tabulated his *aljama*’s contributions to her aid, noting the sum of 250 *mitqals*. *‘Aisha* was likely circulating through

the morerías or she was imprisoned and a collection was being taken on her behalf, perhaps at the request of a relative. The contributions were itemized and individuals were recognized for their contributions. A column adjoins the main document; it contains a single entry that reads: “I have received 10 maravedi from ‘Ali Rrebolla at the end of the month of Sha‘ban.”⁶⁴ The faqihs, for their record keeping, would have wanted this itemization, but the individual Mudejar who had contributed the alms might have wanted his generosity noted as well, even if was only a modest recognition.⁶⁵ Brief as these two Arabic records are, they provide the name of the recipient, the sum offered by the morería, and an itemized list of individual donations. Both texts end with invocation to God that “this sadaqat was donated in the hope that God will reward those who are generous.”

The design of the Aragonese faqihs’ account keeping—the “writing it down”—was ingenious. It recorded the sums collected for any one suppliant and took note of those aljamas that were reluctant to give. In this way an individual Mudejar’s piety could go on record. Tracking communal donations may have fostered some competition. And with the local faqih’s signature displayed prominently on the license, the certificates reminded the Mudejars of the hadith saying, “sadaqat are the bridge to Islam.” In practice, these “bridges to Islam” took the form of a shared vocabulary of almsgiving, monetary exchange, mediation, illegal and legal aid to help captives and Muslims escape or emigrate. Mudejars applied pressure on one another to abide by Islamic standards and to give freely. At every turn the faqihs reminded the Mudejars that they were performing a pious deed in the eyes of God.

Islamic jurists in North Africa and Granada, too, kept their eye on how funds were collected and disbursed. The Maliki developed their own legal mechanisms for ransoming. They aimed at creating a commitment structure that would not result in blackmailing or failed ransom attempts. For example, a redeemer could stipulate that he had a right to the prearranged price even if the ex-captive fled from him after the redemption. Formularies for contracting a ransom fee were added to twelfth-century watha’iq manuals.⁶⁶ Fatwas also document attempts by Muslim officials to regulate the collection of redemption monies. We have already mentioned Abu Sa‘id Faraj b. Lubb’s fatwa: a captive Muslim woman, helped in her begging activities by the Mudejars, had ended up with an excess of funds. The

issue was whether she should reimburse her community in Granada, which had contributed the initial portion of the sum.⁶⁷

The Aragonese faqihs were equally determined to control abuse and found their own ways of instituting control mechanisms and establishing “good behavior.”⁶⁸ In the first place, they seem to have prudently insisted that a supplicant abide by the qualifications for alms, and explore all options for aid before turning to begging. As the letters show, the Mudejar supplicant was required to describe to the faqih how he or she had sought other means for release, such as appealing to local Christian lords or turning to the traditional (and obligated) basis for support, the immediate family.⁶⁹

The scandalous story of Culeymán Marguán will illustrate that the qualifications for alms were indeed monitored closely and enforced to the extent possible. This late-fifteenth century faqih came from a wealthy merchant family that dominated the *aljama* of Huesca, connected to the Bellvis qadis of Valencia. Culeymán had been elected to serve the community’s commercial interests in North Africa. Sailing down to Algiers with Christian merchants in 1477, he suffered the humiliation of being taken captive by North African Muslims. An Aragonese Christian merchant put up the ransom fee necessary to liberate Culeymán who, in turn, was compelled to find the funds back home. He asked his local *aljama* for the funds. This was refused.

Completely miscalculating his position, Culeymán tried to sue the community for reimbursement. He lost, for the Christian courts upheld the local faqihs’ denial of aid to him.⁷⁰ There may have been political reasons for his failure. His family was a powerful clan; perhaps there were old scores to settle. But at the most basic level Culeymán had broken the Mudejar code of charity and tried to abuse the procedure. As a wealthy merchant, whose wealth had not been destroyed by the ransom, he did not qualify for alms.

Mark Meyerson has observed that the Mudejar networks of redemption could also take an illicit character and serve to smuggle escaped Muslim slaves and prisoners out of the Christian kingdoms. He too has argued that Mudejar captive redeeming was a demonstration of solidarity with the wider *umma*.⁷¹ Muslims often resorted to illegal channels to return coreligionist captives to their homeland. An extensive underground

network operated, especially in southern regions of Valencia, to shuttle runaway captives across the border to Granada.⁷² Mudejars, foreign captives, and Muslims in dar al-Islam together helped to give food and shelter and a hideaway to fugitives making their way home.

Illegal escape was common enough that in 1427 King Alfonso V of Aragon (r. 1416–1458) laid down penalties for any Mudejar who hid away Muslim fugitives in his home.⁷³ Christian officials and captors were convinced that runaways could not have successfully escaped without accomplices. In a drastic move to arrest the stream of fugitives and to discourage Mudejars from coming to their aid, the Crown even threatened to torture those who abetted them.⁷⁴ More often than not, however, it was difficult to collect sufficient evidence of covert activities to guarantee a conviction.⁷⁵ A particularly colorful cover-up episode features one Azmet Cahat, a ransomed prisoner of Tunisian origin, who was prosecuted by Valencian officials for having helped another captive escape. The fugitive's owner, Luys Cabanes, a baker in Valencia, accused Azmet of being a "great thief of captives" who had on numerous occasions "stolen many captives from the present city, taking them out of the present city and kingdom."⁷⁶ For his part, Azmet explained to officials that he was still working off his ransom payments, circulating the morerías begging for alms. Such an explanation seemed implausible to Valencia's bailiff, who had heard numerous testimonies from Muslim captives to the contrary. Namely, Azmet had, in fact, approached captives in the past, offering them means to escape to dar al-Islam. Azmet, even when tortured, never confessed. He was eventually set free on bail. Ironically, his bail was posted by two local Mudejars.

The problem for Crown authorities was so substantial that the Generalitat of Catalonia tried to stop runaway captives by setting up a police force to track down and punish them. Royal officials offered rewards to informants; a state-sponsored insurance was even instituted to pay for these services.⁷⁷ Bounty hunters collected as much as one quarter of the sale price for apprehending fugitive prisoners.⁷⁸ The prowess of professional smugglers, or *almugavers*, made the hunt especially challenging. Often fugitive Muslims turned to these specialists and to their impressive contacts in Christian and Islamic territory to be whisked across the border—illegally and for a price.⁷⁹

These incidents expose Christian anger at Mudejar underground networks. Aiding fugitives undermined all the measures that Christian officials had taken to prevent emigration. These secretive activities also fueled Christian paranoia concerning a Mudejar resistance. For example, one Castilian Muslim, Gómez Suárez, was charged with sedition in 1422. He was believed to have spread Granadan propaganda among his brethren in Valencia. The authorities were also convinced that he had falsely converted to Christianity. Hiding among Mudejars, moving from *morería* to *morería*, Suárez was chased by the Crown's officials. His high rank on the most-wanted list was proportional to the threat he was felt to pose. A convert's disguise and deceit could be contagious, especially one armed with *cartas de Granada*. That Suárez had successfully eluded the manhunt by means of Mudejar protection suggested troubling collaboration between foreign Muslims and the Crown's "royal treasure."⁸⁰

Were the Mudejars, then, resisters or a fifth-column collaborators? Actions that rankled Christian overlords and kings did not go much beyond the activities of this underground network. There were moments in which violence flared up, but they were rare. Next to these one finds many forms of on-the-ground collaboration with neighbors, lords, and even kings, economic and military. There were instances of cooperation with Muslim Granada and of communication with Muslim Mediterranean powers, but they do not represent a sustained effort at subversion. Mudejar violence tended to be reactive and should not systematically be read as anti-Christian. The fierce onslaught with which a lieutenant governor and his agents were met with when they stepped into a Valencian mosque to seize a Muslim may have had something to do with the traditional immunity of mosques.⁸¹ The intensity of the reaction stemmed from local affairs, not from a general atmosphere of religious strife. Large-scale cooperation against Christians was sporadic at best. While deeply worrisome to the Crown, the Valencian effort to collect funds for Nasrid Granada was an isolated incident.

In the absence of weapons brandished, one is tempted to turn to the elusive "weapons of the weak." A number of Mudejar activities fall into what James C. Scott has termed the "realm of disguise," where resistances takes the form of rumor, gossip, foot-dragging, and behavior codes.⁸² Mudejars

avoided, whenever they could, taxation.⁸³ They tried to disinherit apostates, despite Christian law. As early as the mid-thirteenth century, King Alfonso X of Castile was forced to promulgate laws to protect Muslim converts to Christianity.⁸⁴ Mudejar ferocity against apostates may explain why subsequent Christian rulers rarely could, or would, legislate as categorically as Alfonso el Sabio. We recall that, by the end of the fifteenth century, King Fernando was so certain that Mudejar families would respond with rage that he discouraged a young Muslim from turning to Christianity. If one can generalize from this case, his position seems to have been that would-be converts had to gain the consent of parents and guardians.⁸⁵

These notions are helpful insofar as they push historians to look at more than overt acts of violence. Generally speaking, we should be alert to resistance other than armed struggle or financing foreign jihadis. But we should adapt Scott's model to the specificities of the Mudejar conjuncture. Most Mudejars worked the land, for example, but their communities are not typical of the peasant groupings out of which the notions of "hidden transcript" or "weapons of the weak" emerged. The Mudejar exclaves understood themselves as Islamic and were linked ideally and in fact to the umma. If we are to envisage resistance in Christian Spain, then we must take into account a terrain structured by the two powers that exercised hegemony over the Mudejars, Christian and Islamic. Mudejar peasant foot-dragging might be chalked up to class hostility. But other actions belonged squarely in the sizable repertoire of canonical anti-Christian activity. They were performed with a view to the norms of dar al-Islam and with dar al-Islam as a horizon. Some among them our jurists would have easily recognized as belonging to the traditional jihad, for instance, the composition or diffusion of religious polemics. Other Mudejar practices would have been an object of learned debate, for not every jurist would have accepted that clinging to virtue and avoiding vice under infidel rule constituted pursuit of the greater jihad. Yet not every jurist would have denied it.⁸⁶ Finally, while I am yet to find an explicit statement equating the redemption of captives with jihad, one can reconstruct what it would have looked like.

My proposal is thus that if there is one practice that linked different Mudejar groups and strata, and that approximates a pan-Iberian resistance with massive participation, it was ransoming coreligionists. Aiding Muslim captives—both Mudejars and brethren from dar al-Islam—was

an organized, self-conscious endeavor that allowed Mudejars to cope with and counter Christian hegemony. Unlike foot-dragging or tax evasion, redemption was a cooperative effort that cut across class and region. Many Mudejars, from the anonymous faqih of al-Fasi's autobiographical narrative to rural farmers to long-distance traders like the Ripolls, strove to demonstrate their religiosity through this collective practice. The faqihs constructed networks of cooperation within Christian Spain and instituted, regulated, and monitored a system of sadaqat that drew on traditional expressions of pietistic obligation. All that we have learned thus far concerning the Mudejars suggests that the Christian environment did not tame or paralyze them. The small acts of resistance—but also of sacrifice—involved in captive redemption fed Mudejar vitality and defiance. Adherence to the principles of charity underpinning this practice was yet another means by which these subjected Muslims protected their communities from cultural deterioration, from the gradual loss of Islamic tradition, and from attrition through conversion to Christianity. No matter the numbers actually freed, redemption was of enormous symbolic significance.

Systematic engagement with the problem of captivity linked Spanish Muslims to their coreligionists in dar al-Islam.⁸⁷ It constituted the practice that Mudejars needed to feel like members of the wider umma—a means to express their Islamicity through evident struggle and personal sacrifice. Otherwise put, the Mudejars developed a form of resistance that they interpreted locally as jihad. The jurists of dar al-Islam considered that emigration was the one and only proper substitute for jihad when one dwelled under infidel rule. In their eyes, because it was bound to involve sacrifices, only this latter-day hijra would demonstrate unmistakably loyalty to the umma. Quietly, and—as far as the surviving evidence allows us to see—without making an explicit case to the jurists, Mudejar community action reconfigured jihad as slave liberation and captive redemption. This was how communities embedded in dar al-harb struggled to uphold Islam. This striving actively integrated them with the wider Muslim world. All Mudejars would have had individual motives for engaging in redemption, but they also knew themselves to be involved in a large collective effort. Muslim captives symbolized the shameful subjugation of Islam to the infidel; Mudejars could give a helping hand and return them to submission to God.⁸⁸



Epilogue

At the Zaragoza council described by Mancebo of Arevalo, twenty Muslim scholars gathered to discuss the consequences of the royal edict promulgated almost eight years previously: Charles V's declaration in November 1525 that Mudejars living in the Crown of Aragon must convert to Christianity or face expulsion from the peninsula.¹ Since the edict, mosques had been shut down, the call to prayer silenced, Arabic books and documents banned.² Four centuries of Mudejar existence in Aragon had come to an end with this dramatic rupture. The Mudejars were now Moriscos, at constant risk of exposure and arrest if their underground practice of Islam were discovered.

However bleak their future, these scholars had a vibrant shared past. Like generations of faqihs preceding them, they had contributed to remaking Islamic leadership in Spain after the Reconquest, preserving Islamic tradition while also adapting it, when necessary, to the needs of their local communities. The education and proficiency of these Muslim elites led them to serve as critical intermediaries between Christian rulers, officials, laws, and Islamic legal practices. Over the years, these leaders had shouldered the responsibility of transmitting an authoritative discourse that provided a reference point for the Mudejar faithful.

Theirs was not a conventional Islamic leadership, as authorities in dar al-Islam hastened to remind them. And, to many of the Maliki jurists in the region, their efforts were wrongheaded and morally suspect. Nevertheless, as our study has shown, the twenty Mudejar faqihs could be confident of

a strong Muslim community behind them as they walked into the council. Together the Mudejars had overcome many dilemmas brought on by Christian rule as well as their difficult position as an exclave on the periphery of Islamic society.

Mancebo's account proceeds: "After the noon prayer they began to discuss our sufferings, and each of them made a speech." And "each one said what he really thought, for this was no time to indulge in exchanging conventionally polite remarks or irrelevancies." Many of those present "lamented the immense loss we had suffered, and how small the good deeds we had done." Although one scholar held out hope that their sufferings "would all stand to our credit," the rest seemed to have strongly disagreed. Referring to the recent suppression of the imam's call to prayer, they insisted that "if the heart of the matter is missing, and that is the summons to prayer, no good deed will be acceptable [to Allah], and the things we suffer here below are no more than a short rest before the life to come."³

Guardians of Islam has examined the curious combination of confidence, humility, tenacity, and self-doubt reflected in Mancebo's text. These scholars knew that their task as shepherds was vital to the survival of religious practices among the Mudejars. At the same time, they could admit that the guidance they provided their communities amounted merely to "small deeds." Mancebo's account also mentions "many disagreements and discussion concerning sins and other debts we owe, past and to come": did this refer to recent conversions to Christianity (even if they may have been pseudoconversions) and premonitions of other compromises that would follow? Would the "disagreements" among these Muslim leaders include discussion of the ways in which the Moriscos could adapt their Islamic practices, how they might most sincerely "manifest" their true faith under such oppression?

Such anxious preoccupations were characteristic of the Aragonese faqihs, who typically debated among themselves and discussed with legal experts in Islamic lands the measures they should take to defend their faith. We cannot be certain what these faqihs did when they walked out of the Zaragoza council in 1534. Some may have indeed emigrated or—heeding the suggestion of one faqih that they "gird their loins"—rebelled openly and faced the consequences. Surviving sixteenth-century sources suggest, however, that many Aragonese faqihs remained in their homes and towns,

carrying on as they had after the Reconquest—searching for new ways to cope with, and adjust to, their post-1525 reality when “one disaster was followed on the heels of another.”

One way of coping was typically Aragonese. At the time of the edict, some faqihs sought out local Christian lords to verify that what seemed unimaginable was actually true. A touching passage by an Aragonese faqih, Bray de Reminjo, who lived in the small village of Cadrete outside of Zaragoza, describes how he and a close Christian friend, a Carmelite friar named Esteceban Martel, mourned together the forced conversions of the Mudejars. The friar, according to Bray, said that “we were not in a period of grace, but of weeping.” Estéban Martel also “was so moved by compassion for us that he never ceased to argue before the prelates and councils against all those who had given their consent to any such thing and to inveigh against them.”⁴ Both Christian and Mudejars attempted to find some way to overturn or otherwise offset the crippling effects of the edict. Twelve faqihs were known to have approached the royal court in an attempt to negotiate a settlement with Christian officials, and other agreements may have been made or attempted in the first months following the edict.⁵

When the edict proved genuine, and likely to last, it was also met with resistance and subversion. Throughout the fifteenth century the faqihs had been visible in the Spanish archives as prominent spokesmen and legal arbiters for their communities. Aragonese Morisco scholars of the sixteenth century, however, assumed a distinctly different profile in the Christian record. In the eyes of the Inquisition, Moriscos and their religious leaders who were caught following Islamic practices were enemies of the state.

The image of the Moriscos as collaborators with foreign Muslim aggressors may have been a propagandistic measure of Inquisition officials, but Aragonese Muslims were neither impervious to nor uninvolved in the confrontations between Christians and Muslims in Spain and the wider Mediterranean. The fall of Granada effectively eliminated the closest safe haven for Mudejars, and the Mediterranean itself became the boundary of Islam in ways that it had not been as long as Granada remained Muslim. Aragonese Muslims were caught celebrating the victory of the Turkish fleet in 1558 after it had sacked Minorca and threatened Catalonia’s ports as well as subsequent Spanish setbacks in North Africa, from the loss of Tunis to the Portuguese collapse in Morocco.⁶

Inquisition records make it clear that many of the underground activities of Aragonese faqihs remain consistent with what we know of their fifteenth-century practices. Those who “wrote it down” kept writing. Morisco notaries, for example, continued to produce Arabic contracts. Rather than being accepted in Christian courts, these now became evidence for inquisitorial persecution and ultimately the gallows for the notary. Inquisition officials were thorough in their investigations; they knew that Islamic law had gone underground. Thus, when they could find the evidence, these Christian officials read Morisco dowry contracts and bequests carefully to determine whether a Morisco notary had drawn up the contracts according to Islamic or Aragonese laws. If the former, the notary was arrested and charged. There may have been conspiracies for armed resistance, but we have more evidence of high crimes along the lines of possession of the Qur’an and other Arabic texts despite the owner’s purported conversion.⁷

Morisco faqihs continued teaching in the sixteenth century. Rather than roaming freely from mosque to mosque in the Ebro Valley, they now met with students in secret. These teaching faqihs were sometimes caught red-handed—in one case with a classroom of twenty-three pupils.⁸ Another faqih was proud of his lawbreaking and openly admitted that his student had been sent to the galleys. There was clearly a covert network of teachers instructing Moriscos in both aljamiado and Arabic.

Another way of coping was to circulate more Islamic texts in aljamiado. Several of the Aragonese scholars attending the Zaragoza council had approached Mancebo to commission what would become the *Tafsira*, a work in aljamiado, drawn up and revised “as briefly and compendiously as possible.” Although we have discussed in previous chapters the bilingual Aragonese Mudejar’s use of aljamiado, this may have been a deliberate step taken by the Aragonese educated elite to translate Arabic texts and circulate religious works among communities of crypto-Muslims. More pointedly, the Zaragoza faqihs may have seen their opportunity—appealing to a Castilian scholar experienced in such translations—to cultivate connections with their colleagues further west.⁹

Mancebo’s *Tafsira* turned out to be a lengthy compendium of Qur’anic commentaries. He would also produce, in collaboration with the above-mentioned Aragonese faqih Bray de Reminjo, a work entitled *Breve Compendio*, a compendium of Islamic law.¹⁰ In fact, the impressive extant

corpus of sixteenth-century aljamiado writings distinguishes Aragon's Muslims from other Morisco communities. Surviving bilingual texts indicate that the faqihs taught their communities the basics of aljamiado and Arabic grammar and reading, but Morisco scholars also instructed the now crypto-Muslims on how to deal with persecution and modify their behavior so that they might continue to fulfill Islamic obligations and be identified by their coreligionists as good Muslims. One aljamiado text provided the proper regulations for fasting and the best way to handle the dangers posed by fasting in a Christian country: "If a Muslim, in the month of Ramadan, should encounter the necessity to go on the road with a Christian without the possibility of being excused, the Mudejar is not obligated to fast on account of the journey. . . . If the Muslim finds himself in a town and the hour to eat arrives, he may excuse himself with polite words before the Christian. And if this is not possible, the Muslim should eat so that he won't endanger himself."¹¹

Just as we saw in chapter 6 that Mudejars could interpret their jihad as the practice of *sabr*, forbearance, and trust in God, we can see, in the sixteenth century, a new interpretation of the term. Implicitly, Moriscos could argue that one did not fulfill one's duty to resist solely by emigration. An alternative way to perform jihad was to practice one's faith under severe oppression. They could remind their coreligionists in Islamic lands that they had, in fact, resisted the Christians: "Yet under the Prophet Muhammad's religion we used to oppose the governors of the Cross with our inner intentions, facing grave dangers in Holy War because of killing and capturing, hunger and death."¹²

Production and translations of sermons in aljamiado continued into the sixteenth century with the didactic aim of educating Mudejars in the basic tenets of their faith. Similarly, those Mudejars who were able to persisted in their scholarly peregrinations to *dar al-Islam*, returning to their home in Christian Spain with texts and knowledge that could be disseminated among their Mudejar coreligionaries.¹³ The Morisco scholars formed networks, like before, but even more carefully cultivated. Granadan scholars were now among the subjected Muslims, joining the scholarly travels of their veteran coreligionists. Mancebo's text vividly conveys these networks and the preoccupations of the scholars who traversed them.

As before, Mudejar faqihs sought authoritative opinions from the jurists of dar al-Islam on the difficulties they faced. A fatwa on the ways to perform *taqiyya* (dissimulation) was issued in 1502 from Oran and then recopied and translated into aljamiado to circulate amongst the Moriscos. Al-Wahrani, who issued the ruling, instructed Moriscos on ways to practice their faith secretly: "If forced to deny their faith, Muslims should endeavor to be evasive; if this was not possible, they should remain staunch in their beliefs, denying inwardly what they were forced to say."¹⁴ Moriscos would journey to Cairo and to the Ottoman sultan as well. As Muslims living in dar al-harb, they wanted to remind Muslim authorities of the religious value of their struggles as a minority community. They delivered to the jurists a clear message: crypto-Muslims were indeed aware of their obligations as faithful members of the umma and they fully intended to adapt to their circumstances without compromising the laws of Islam.

Historians have long noted the social and religious steadfastness of the Mudejars. Indeed, with study, the factors behind their communal solidarity—as minority enclaves or exclaves—have become nuanced: religion, endogamous ties, underground networks, and cooperative resistance all played a part in Mudejar and Morisco solidarity. Yet the resilience of a Muslim exclave, as this study has shown, also lies in the willingness of these minority peoples to seek out, define, and redefine connections with Islamic tradition. The Arabic documents examined here illuminate the Mudejar leaders' scholarly networks and their tireless efforts to find, copy, study, circulate, and eventually translate Islamic texts. They organized their communities, created charitable institutions based on Islamic models, and sought guidance from the religious authorities of dar al-Islam. As *Guardians of Islam* makes clear, their particular form of guardianship depended on how they conceived of themselves as Muslims, how they represented themselves to the Islamic world, and the degree to which they insisted on their Islamicity in the face of Christian interference and the disquiet of Maliki jurists. Far from offering an example of cultural collapse, theirs is a success story. For four hundred years Mudejar faqihs held their own among the 'ulama' of the medieval Islamic Mediterranean.

Notes

Preface

1. See Muhammad Qasim Zaman's *The Ulama in Contemporary Islam: Custodians of Change* (Princeton: Princeton University Press, 2002).

2. A series of profiles of imams have recently appeared in the *New York Times* and elsewhere: see, in particular, Neil MacFarquhar, "A Growing Demand for the Rare American Imam," *New York Times*, June 1, 2007; Andrea Elliott, "A Muslim Leader in Brooklyn, Reconciling Two Worlds," "To Lead the Faithful in a Faith Under Fire," "Tending to Muslim Hearts and Islam's Future," *New York Times*, March 5–7, 2006; Andrea Elliott, "An Imam In America: A Cleric's Journey Leads to a Suburban Frontier," *New York Times*, January 28, 2007.

3. Bibliography is rapidly growing. Noteworthy publications include Allievi and Nielsen, *Muslim Networks*, and Brigitte Maréchal, Stefano Allievi, Felice Dassetto, and Jørgen S. Nielsen, eds., *Muslims in the Enlarged Europe: Religion and Society* (Leiden: Brill, 2003). See also Jørgen S. Nielsen, *Muslims in Western Europe* (New York: Columbia University Press, 1992); and Jack Goody, *Islam in Europe* (Cambridge: Polity, 2004).

4. See Nielsen's discussion of four distinct phases of the establishment of Muslim communities in continental Europe in his *Muslims in Western Europe*, pp. 1–2.

Introduction

1. Madrid (CSIC) Junta 62, fols. 1–3, as cited and translated by Harvey, *Muslims in Spain: 1500 to 1640*, pp. 181–182.

2. This was the final edict calling for the conversion of Muslims on the peninsula. In 1502 the Spanish monarchs King Ferdinand and Isabel had called for the conversion of Muslims in Granada and Castile. See Louis Cardaillac and Jean-Pierre Dedieu, "Introduction a l'histoire des Morisques," *Les Morisques et l'Inquisition*, ed. Louis Cardaillac (Paris: Publisud, 1990), p. 17, and Henry Charles Lea, *The Moriscos of Spain: Their Conversion and Expulsion* (Philadelphia: Lea, 1901), pp. 82–95.

3. Catlos, *The Victors and the Vanquished*, p. 407.

4. Some of the major towns to succumb: Huesca (1096), Zaragoza (1118), Catalunyaud (1120), and Daroco (1142).

5. *Mudejar* refers to a Muslim living under Christian rule between the thirteenth century and the early sixteenth century. Forced converts from Islam to Christianity after 1526 (and their descendants) are known as *Moriscos*. The term *Mudejar* is commonly considered to be derived from the passive participle of the second stem of the root (*mudajjan*) or from the passive of the eighth stem (*mud-dajan*). Contemporary Arabic sources never used this particular form and refer to the *ahl al-dajn* or simply *al-dajn*, which can be translated as "submissiveness." See Wiegiers, *Islamic Literature in Spanish and Aljamiado*, p. 3.

6. See Mark Cohen, *Under Crescent and Cross: The Jews in the Middle Ages* (Princeton: Princeton University Press, 1994).

7. Monter, *Frontiers of Heresy*, p. 210.

8. Boswell, *The Royal Treasure*; Burns, *Muslims, Christians, and Jews in the Crusader Kingdom of Valencia*; Ferrer i Mallol, *Els sarraïns de la Corona catalano-aragonesa en el segle XIV*. Both Burns and Ferrer i Mallol have published prolifically on the Mudejars. See other relevant works in the bibliography.

9. Boswell, *The Royal Treasure*, pp. 381–382: "Muslims themselves, at least in the North, appear to have been rapidly losing what little Arabic they knew in the fourteenth century. Muslim learning and literature evaporated from the Kingdoms under the Crown of Aragon."

10. See Ana Echevarría Arsuaga, "Conversion y ascenso social en la Castilla del siglo XV: Los casos de Farax de Belvis y García de Jaén," in *Actas del VII Simposio Internacional de Mudejarismo* (Teruel: Centro de Estudios Mudéjares del Instituto de Estudios Turolenses, 2002); Salicrú i Lluch, *El sultanat de Granada i la corona d'Arago, Documents per a la historia de Granada*, and *El trafic de mercaderies a Barcelona*; López Pérez, "Las repercusiones económicas de la guerra de los dos Pedros" and *La corona de Aragón y el Magreb*.

11. Nirenberg, *Communities of Violence*.

12. Meyerson, *The Muslims of Valencia*. Meyerson also participates in the first trend. Along with Manuel Ruzafa García and José Hinojosa Montalvo, he persua-

sively demonstrates that the sphere of Valencian Mudejars' activity, especially that of their faqihs, was both local and translocal; see pp. 255–269; Hinojosa Montalvo, "Las relaciones entre los reinos de Valencia y Granada"; and Ruzafa García, "La frontera de Valencia con Granada."

13. Meyerson, "Slavery and Solidarity," pp. 242–243, and "Slavery and the Social Order."

14. For a recent state-of-the-field survey, see David Nirenberg, "Muslims in Christian Iberia, 1000–1526: Varieties of Mudejar Experience," in Peter Linehan and Janet L. Nelson, eds., *The Medieval World*, pp. 60–76 (London: Routledge, 2001). This article is an update and expansion on his previous state-of-the field survey found in the *Journal of Medieval History*, 24 (1998), pp. 381–389.

15. See for example Meyerson, *The Muslims of Valencia*, pp. 263–269.

16. Also known as *sahib al-watha'iq*. Another term for notary is *katib*.

17. Archivo del Reino de Valencia (ARV): C 248: fols. 31v–32r, as translated by Meyerson, *The Muslims of Valencia*, p. 266.

18. Currently archived in the Consejo Superiores de Cientificas in Madrid.

19. Hoenerbach, *Spanisch-Islamische Urkunden*; Viguera Molíns, "Dos nuevos documentos árabes de Aragón, "Partición de herencia entre una familia mudéjar," "Un mapa de documentos mudéjares y moriscos de Aragon and Navarra," "Documentos mudéjares aragoneses," and "Les Mudéjars et leurs documents écrits en arabe."

20. Van Koningsveld, "Andalusian-Arabic Manuscripts from Medieval Christian Spain" and "Andalusian Arabic Manuscripts from Christian Spain."

21. Carmona González, "Los nuevos mudéjares," "Consideraciones sobre la pervivencia de la jurisprudencia andalusi," and "Textos jurídico-religiosos islámicos de las épocas mudéjar y morisca"; Harvey, *Muslims in Spain*.

22. Discussed in chapter 3.

23. Some can be still discovered in North African libraries. Thus testimonies to the Mudejars' literacy made their exodus back to the Islamic Maghreb's normative center.

24. See, in particular, Arnold Esch, "Überlieferungs-Chance und Überlieferungs-Zufall als methodisches Problem des Historikers," reprinted in Arnold Esch, *Zeitalter und Menschenalter: Der Historiker und die Erfahrung vergangener Gegenwart* (Munich: Beck, 1994), pp. 39–69.

25. Rosamond McKitterick, *The Carolingians and the Written Word* (Cambridge: Cambridge University Press, 1989); Rosamond McKitterick, ed., *The Uses of Literacy in Early Medieval Europe* (Cambridge: Cambridge University Press, 1990); and, more recently, Nicholas Everett, *Literacy in Lombard Italy, c. 568–774* (Cambridge: Cambridge University Press, 2003).

26. See Meyerson, *The Muslims of Valencia*, pp. 52 and 86 (about Zaragoza).

27. *Ibid.*, pp. 66–68.

28. A. de la Torre, ed., *Documentos sobre relaciones internacionales de los Reyes Católicos* (Barcelona, 1966–69), 1:75–76: “No sin grande enojo hauemos sabido como cierto moros desse reyno, por cause de enderrocar las comas haurian ido al Soldan, e se haurian quexado dello, de tal manera que, por respecto de aquesto, el hauria fecho enderrocar ciertos templos e iglesias de las Hierusalem, e queria derribar todos los templos e iglesias, saluo porque los frayles con peccunias las redinieron e suffrieron muchos golpes e improprios, que por la dicha causa les mando fazer el dicho Soldan.” That this was a possibility is documented in an exchange between Ferdinand of Aragon and the Mamluk Sultan; see Meyerson, *The Muslims of Valencia*, pp. 97–98.

29. The classic is Clifford Geertz’s own *Islam Observed: Religious Development in Morocco and Indonesia* (Chicago: University of Chicago Press, 1971).

30. As Bowen, *Muslims Through Discourse*, pp. 5–7, presents this approach.

31. Antoun, *Muslim Preacher in the Modern World*. I refer primarily to Bowen’s *Muslims Through Discourse*, although Bowen’s recent publications on Muslims in France today are also relevant.

32. Bowen, *Muslims Through Discourse*, pp. 4–5. In Bowen’s view, by dwelling on a multiplicity of local Islams, anthropologists and ethnologists have not taken into account or made sense of the connections among Muslim societies; they have also ignored the undeniably strong belief of many Muslims across diverse cultures that there existed in fact “an external, normative reference for their ideas and practices.” See also Eickelman, “The Study of Islam in Local Contexts.”

33. Safran, “Diasporas in Modern Societies”; and Saint-Blancat, “Une diaspora musulmane en Europe?”

34. Victor Turner, “The Center Out There: Pilgrim’s Goal,” *History of Religions* 12(3): 191–230.

35. Mudejar studies have recently benefited from sociological theories bearing on an ethnic group’s relationship with its host land. Two very different examples are Nirenberg’s *Communities of Violence* and Catlos’s *The Victors and the Vanquished*. Nirenberg looks at the ways in which Jewish and Muslim minorities consciously “borrow” hegemonic (or Christian host society’s) discourse as a means to articulate and defend their respective religious identities, and at the motivations behind this practice. In contrast, Catlos draws from studies of ethnogenesis to collapse the traditional distinctions between Muslim minorities in Aragon and their Christian neighbors by emphasizing shared ethnic and cultural values and deemphasizing the tensions between Muslim minorities and their host society. While these approaches are fruitful, they bypass what is peculiarly Muslim about

Mudejar communities. Nirenberg's Mudejars and Jews, as it were, "speak" Christian; Catlos's Mudejars are like Christians. This is part of the truth, perhaps, but not the whole picture.

36. Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 264–265 (doc. 25).

37. Fatwas are legal pronouncements made by muftis in response to a question asked of them. The terms *fatawa* and *nawazil* (sg. *nazila*, "case") were used interchangeably to signify legal opinions issued by jurisprudents (EI2 1992, s.v. *Nazila*). The significance of the work of the mufti—whether private or public—rested on the high degree of authority that could be carried by his opinions, which represent the closest Islamic equivalent to the familiar Anglo-American legal mechanism of case law precedent. Interesting analogues for the position of mufti are found in the Roman *jus publice respondendi*, the Jewish *responsa* tradition, and the Christian *consilia*. See, respectively, Tyan, *Histoire de l'organisation judiciaire en pays d'Islam*, p. 221; and Goitein, *A Mediterranean Society*, 2:211–212 and 325–326.

38. Catlos, *The Victor and the Vanquished*; Macho y Ortega, "Condición social de los mudéjares aragoneses."

39. García Marco, *Las comunidades mudéjares*; Conte Cazcarro, *La aljama de Moros de Huesca*. Our corpus of Arabic and *aljamiado* texts originates from this same region, and it happens that many of the faqihs responsible for the circulation of these Arabic documents often correspond to the Mudejar officials identified by García Marco. If one brings together his notarial sources with the surviving Arabic and *aljamiado* production of Mudejar faqihs and scribes, one can follow the legal practices and careers of these officials. See chapters 3 and 4.

40. Building especially on two key works, Wiegers, *Islamic literature in Spanish and Aljamiado* and Meyerson, *The Muslims of Valencia*.

41. I shall explore these mechanisms more in detail in a forthcoming study, tentatively entitled "Business with the Infidel: Christian-Muslim Exchanges of Captives Across the Mediterranean."

1. On the Border of Infidelity

1. Burns, "Muslims in the Thirteenth-Century Realms of Aragon."

2. Muslims in Norman Sicily had been minority people, as had Muslims in the Levant after the first wave of crusading conquests.

3. The key study, which analyzes the differences between the four schools of Islamic law, Hanafite, Malikite, Shaḥīʿite, and Hanbalite, is Abou el Fadl, "Islamic Law and Muslim Minorities." In particular, Abou el Fadl explains how the four schools differed in their interpretation of the extent to which the Muslims were

protected by Islamic law if they chose not to emigrate from Christian territory and whether they risked jeopardizing their goods and persons (*isma*), granted de facto to any Muslim within the umma. The Maliki school, the immediate interlocutors of the Spanish Mudejars, took a conservative line, relative to its competitors, on the question of whether these Muslims were legally protected and whether they were able to properly practice Islam in non-Muslim lands. The nuances present within the four schools, however, are refracted within the Maliki school itself. See also Fierro, “La emigración en el Islam” for a comprehensive discussion of both medieval and modern approaches to the obligation to emigrate.

4. Qur’anic injunctions that strongly encourage Muslim emigration include, among others, Suras 5:44 and 5:50, and 4:97–100; Fierro, “La emigración en el Islam,” pp. 13–16.

5. Al-Wansharisi, *Mi‘yar*, 2:132 (ll. 26–27 trans.) For al-Wansharisi’s life and scholarship see Castro, “Ahmad al-Wansharisi (m. 914/1508).”

6. Ibid. (l. 27 trans.).

7. Until recently, al-Wansharisi’s monumental *Mi‘yar* has been the main source for historians on the attitude of Maliki jurists towards the Mudejars (al-Wansharisi’s fatwa on Muslims living in Christian territory can be found in *Mi‘yar*, 2:119–145). Over the last two decades, however, several fatwas (which will be discussed in more detail below) on the Mudejars that were not included in *Mi‘yar* have been unearthed in the archives. It is also possible that the influential jurist chose to omit the opinions of some muftis either with whom he either disagreed or whose fatwas he deemed unworthy.

8. As the model for Mudejar emigration, the jurists recalled Muhammad’s hijra (emigration) from Mecca to Medina, when the Prophet had fled from the infidels. According to Muhammad, no Muslims were exempt from the duty to flee except those who were ill or aged or whose lives would be endangered by flight to dar al-Islam.

9. Those who espoused this view invoked a prophetic tradition: “Whosoever believes in God and His messenger, performs the salat, pays the *zakat*, fasts during Ramadan and performs the pilgrimage to the House, is entitled to be permitted by God to enter Paradise, whether or not he has emigrated in the way of God or has remained in the country where he was born.”

10. Al-Mawardi (d. 450/1058) is one of the earlier jurists who supports the idea: “If a Muslim is able to manifest his religion in one of the unbelievers’ countries, this country becomes a part of dar al-Islam. Hence residing in it is better than migrating because it is hoped that others will be converted through him.” See Abou el Fadl. “Islamic Law and Muslim Minorities,” p. 150.

11. Based on internal evidence—muftis referring to the rulings of other jurists in the fatwas that survive—it also appears that religious scholars in North Africa

and Granada issued still other opinions that have not survived. Al-Fakhkhar al-Judhami (d. 722/1323), for instance, is known to have issued a ruling entitled “Kitab al jawab al-mukhtasar al-marum fi tahrim sukna al-muslimin fi-bilad al-Rum.” Abu Bakr ibn al-‘Arabi (d. 543/1148), whom al-Wansharisi cited to bolster his arguments, probably wrote a fatwa on the Mudejars as well. See al-Khatib, *Al-Ihata fi akhbar Gharnata*, 3:91–95; Arié, *L’Espagne musulmane au temps des Nasrides*, p. 419 (note 3); and Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 63 and 206.

12. Van Koningsfeld and Wiegers, “Islam in Spain During the Early Sixteenth Century.”

13. Abou el Fadl, “Islamic Law and Muslim Minorities,” p. 149.

14. Al-Wansharisi’s fatwa was issued in the context of the fall of the last independent Muslim kingdom on the Iberian Peninsula, Granada. It comes almost at the tail end of a series, spanning several centuries, of Maliki rulings on the status of the Mudejars and their faqihs. This corpus includes responses by Ibn ‘Abd al-Barr al-Qurtubi (d. 474/1071), Ibn Rushd the elder (d. 520/1126), Al-Mazari (d. 536/1141), Ibn Rabi’ (d. 719/1320), Ibn Miqlash (late fourteenth century), al-Haffar (d. 811/1408), al-‘Abdusi (d. circa 849/1445), and al-Mawwaq (d. 897/1492).

15. Modern European Muslim leaders work to find a place for themselves in Western society while they strive, simultaneously, to establish standing bonds with the pan-Islamic community and a relationship with Islamic authoritative tradition. Muslims in Islamic lands are involved equally in this process. Muslim scholars trained in Cairo are often imported to Muslim communities in Europe. European Muslims consult, from afar, Muslim scholars in Islamic lands. Europe’s Muslim scholars, as intellectual leaders, struggle with finding Islamic mechanisms, like *maslaha* (the consideration of benefits), to adapt Islam to Western secular society. Similarly, in dar al-Islam Muslim intellectuals develop their positions on the degree to which Islam can live in a secular Westernized society. These views are expressed in newspapers, in Internet chat rooms, in fatwas, in monographs, in public debates.

16. Reinhart, “Transcendence and Social Practice,” p. 6, on the authority of jurists. Beginning in the second/eighth century, those Muslims who dedicated themselves to the preservation and analysis of Islamic knowledge (*‘ilm*) were designated as *‘ulama’* (sg., *‘alim*) or “scholars.” The acquisition of knowledge came to be associated exclusively with individuals who devoted themselves to the study of the Qur’an, the hadith, and, increasingly, the “roots” and “branches” of substantive law or *fiqh* (those who specialized in *fiqh* are known as *fuqaha’*, sg. *faqih*). Identifying themselves with “those in authority among you,” mentioned in Qur’an 4:63, and with “the people of Remembrance” mentioned in Qur’an 16:43, this special class

of literate scholars acquired religious authority analogous to that exercised by the Prophet. According to hadith (reports of the Prophet's words and deeds), scholars ('ulama') serve as mediators between revelation and the Muslim people.

17. *Abu Hamid el Granadino y su relación de viaje por tierras Eurasiaticas*, ed. and trans. César E. Dubler (Madrid, 1953), p. 29 (Arabic text) and p. 67 (Spanish translation).

18. Gibb, *The Travels of Ibn Battuta*, 4:840–841.

19. On using fatwas as historical sources, see Powers, "Fatwas as Sources for Legal and Social History"; and the essays in Masud, Messick, and Powers, *Islamic Legal Interpretation*.

20. See Van Koningsveld and Wiegers, "The Islamic Statute," p. 29 especially.

21. On this point, see the excellent study by Kraemer, "Apostates, Rebels, and Brigands." He is particularly concerned with the ways in which Islamic authorities dealt with internal enemies and demonstrates, using legal sources, how the treatment of dissidents was based on the paramount aim of Sunni Islam to preserve the community's unity. He points out that the quest for a sense of brotherhood in Islam made the effort to reform those who strayed a priority—perhaps even more critical to the sense of community than identifying and demonizing the outsider. As Kraemer discusses, Islamic authorities were accustomed to placing internal enemies or dissidents (such as rebels and apostates) or deviants (such as the Mudejars) or minorities (Jews and Christians) in clearly demarcated legal categories with the aim of distinguishing members from nonmembers of the umma.

22. See Abou el Fadl, "Islamic Law and Muslim Minorities," pp. 159–160. Writing from Baghdad, the Shafi'ite jurist al-Mawardi (d. 450/1058) is one of the earlier jurists to have argued for residence in non-Muslim polities: "If [a Muslim] is able to manifest [his] religion in one of the unbelievers' countries, this country becomes a part of dar al-Islam. Hence residing in it is better than migrating because it is hoped that others will convert to Islam [through him]." We do not know whether al-Mawardi's position ever came to be known in Spain or among the Malikis; Abou el Fadl, "Islamic Law and Muslim Minorities," p. 150.

23. Ibn Rabi', paraphrasing the hadith literature upon which proponents of a Mudejar residence in Christian Spain based their argument. Cited by Van Koningsveld and Wiegers, "The Islamic Statute," p. 5.

24. Ibn Rabi's fatwa was recently discovered by Van Koningsveld and Wiegers and is in the process of being edited and published. Their article, "The Islamic Statute," is a synopsis of the fatwa. They estimate the date of the fatwa to be late thirteenth century and make a persuasive case that al-Wansharisi used Ibn Rabi' as precedent for his own fatwa.

25. Van Koningsveld and Wiegers, "The Islamic Statute," pp. 15–16. See chapter 2 for a discussion of this typology.

26. See Van Koningsveld and Wieger's discussion of a post-1266 Murcian context for Ibn Rabi's fatwa, "The Islamic Statute," pp. 17–19.

27. Ibid, pp. 29–30.

28. Ibid, p. 11.

29. For a transcription and translation of the fatwa on Mudejar emigration issued by Abu 'Abd Allah Muhammad b. 'Ali al-Ansari (known as al-Haffar), see Miller, "Muslim Minorities."

30. Ibn Miqlash's fatwa is accessible in a rough partial Arabic transcription in Buzineb, "Respuestas de juriscultos magrebies."

31. Buzineb's transcription does not include Ibn Miqlash's appendix of answers back to "the 'ulama' of (Mudejar) al-Andalus." See BN Madrid ms. 4950, fols. 229v–33iv.

32. Powers mentions an 'Abdallah b. 'Abd al-Rahman b. Ahmad al-Sanhaji who issued a judicial decision, preserved in the *Mi'yar*, in 792/1390 as the chief qadi of Fez (Morocco), although he was unable to identify him in the biographical dictionaries. See Powers, *Law, Society, and Culture in the Maghrib*, p. 122. Ibn Miqlash, otherwise known as Abu Abdallah Muhammad b. Yusuf al-Sanhaji, may have been a relative. The Sanhaja tribe is located in the Middle Atlas mountains, but Ibn Miqlash appears to have been writing from Oran.

33. What follows of Ibn Miqlash is my translation of the BN Madrid ms. 4950, here fols. 229v (ll. 21–22) and 230r (ll. 1–3).

34. *The Faith and Practice of Al-Ghazali*, trans. W. Montgomery Watt (London: Allen and Unwin, 1953), p. 131.

35. BN Madrid ms. 4950, fol. 226v (l. 13). My translation is based on the manuscript and Buzineb's (unedited) transcription and partial translation of the fatwa in his "Respuestas de juriscultos," p. 58.

36. These four components also appear later in 'Ali Ibn 'Abd al-Malik Muttaqi (Muttaqi al-Hindi; d. 975/1567), *Kanz al-'ummal*, 3:66, no. 5,513. Michael Cook cites the source for this formulation of "to enjoin good and forbid evil" as a duty comprising two of the four parts of holy war as a saying attributed to 'Ali. See Cook, *Commanding Right and Forbidding Wrong*, p. 38. There Cook cites four other Muslim authors, including al-Tabari, who refer to this formulation of jihad. I thank Maribel Fierro and Ella Landau-Tasseron for their insights on the translation of the fourth component, *sidq mawatin*.

37. BN Madrid ms. 4950, fol. 229r.

38. Ibid., fol. 227v. The word *tawahama* is used in both cases for deception.

39. See chapter 6.

40. BN Madrid ms. 4950, fol. 227v. The word used for deception here is *zana*.
41. Qur'an 2:159. BN Madrid ms. 4950, fol. 229r. The reason that the Mudejars were staying in the land of the infidel is because they had been "overcome" (*maghlub*) by Satan's power (228r).
42. BN Madrid ms. 4950, fol. 228r.
43. Ibid.
44. BN Madrid ms. 4950, fol. 227v.
45. See chapter 3.
46. See chapters 3 and 5 for al-Haffar's further contacts with the Mudejars and the circulation of his texts within their communities.
47. Abou el Fadl, "Islamic Law and Muslim Minorities," p. 179.
48. Like other jurists, al-Haffar disapproved of the Mudejar residence, contending that a Muslim who willingly stayed among those who lacked belief and told lies about the Prophet Muhammad was comparable to a Muslim in Islamic lands who willfully kept "company with one who engages in the sinful activities of drinking wine, committing adultery, or other sinful acts." See Miller, "Muslim Minorities"; for a transcription and translation of al-Haffar's fatwa (BN Madrid ms. 5324, fols. 47v–48v), see pp. 278–280.
49. Al-Wansharisi, *Mi'yar*, 2:137–138.
50. Of the five questions that the Mudejars submitted to him, Ibn Miqlash regarded the fifth one concerning "whether it was permissible to prostrate the prostration of the Qur'an on the twenty-seventh night of the month of Ramadan in a place that is not the designated place of prostration" as the "greatest of *bida'* and the greatest of errors." See BN Madrid 4950, fol. 231r.
51. BN Madrid 4950, fols. 229v and 231r.
52. Miller, "Muslim Minorities"; for a transcription and translation of al-Mawwaq's fatwa (BN Madrid ms. 5324, fols. 135v–136r), see pp. 284–286.
53. Unsurprisingly, Ibn Rabi' also mentions his opposition to laying open to mockery the confession of faith. See Van Koningsveld and Wiegers, "The Islamic Statute," pp. 10–11.
54. See Miller, "Guardians of Islam," appendix A, for a transcription of the story where al-Mawwaq records what Ibn Siraj narrates about Sheikh al-Ziyat (d. 728/1328) in Velez after the town was conquered by Christians. See *Sanan al-muhtadin fi maqamat al-din* (lithograph: Fez 1314/1896).
55. Al-Wansharisi, *Mi'yar*, 2:131 (l. 8 trans.).
56. Ibid. (ll. 21–22 trans.): "They grapple together secretly, rush forward, hurry in persistence to establish a friendship with the enemies when God says 'you will see those who have in their hearts an illness rushing to persist towards them (Jews and Christians) saying 'And thou seest those in whose heart is a disease race towards them, saying: We fear lest a change of fortune befall us (Qur'an 5.52).'"

57. One should note, however, that the jurist's prime target was not Mudejars in Spain but emigrant Mudejars to North Africa who regretted their emigration and so deserved "God's condemnation and anger." The former were much less culpable than the latter and worthy of "the mercy of God and His generous forgiveness." See Al-Wansharisi, *Mi'yar*, 2:134. Should al-Wansharisi then be considered truly a rigorist?

58. For fatwas issued by authorities in Granada for a periphery community of Granada, see Calero Secall, "Comares en *al Mi'yar* de al-Wansharisi." We might also compare Muslim attitudes toward another periphery, the Sudan. See Hunwick, *Shari'a in Songhay* for the exchange between the North African Muhammad b. 'Abd al-Karim al-Maghili (d. 1506) and sub-Saharan rulers.

59. Calero Secall, "Rulers and Qadis," p. 248.

60. See Miller, "Muslim Minorities"; for a transcription of al-Mawwaq's fatwa (BN Madrid ms. 5324, fols 135v-136r), see pp. 284-286.

61. See this chapter's discussion and Miller, "Muslim Minorities," p. 267.

62. The trend suggested for the Maliki by Abou el-Fadl, "Islamic Law and Muslim Minorities," pp. 149-150.

63. Performance depends on "if one is able." The ability (*istitā'a*) of a Muslim to perform the *hajj* is discussed in *fiqh*, and the same qualifying phrase, "if one is able," also appears prominently in conversion documents that outline the tenets of Islamic faith. Interestingly, the jurists used the convert in foreign lands as the best analogy to the Mudejar status. Notions of socioreligious integration in Islamic thought deserve attention, but are beyond the confines of this book. We might ponder, however, whether the integration of converts to Islam (by adoption, etc.) into Muslim society was a template for juristic notions of Mudejar integration into Islamic society.

2. *From Dal al-Islam to Dar al-Harb*

1. We are also in the dark as to the Granadan and North African context in which the fatwas were issued or the audiences that influenced the positions taken (for instance on the expression of greater or lesser sympathy for the Mudejar predicament). Contemporary politics and the opinions of local sultans may have played prominent roles.

2. See above, chapter 1.

3. Van Koningsveld and Wiegers pointed out the "high degree of certainty" that is communicated when Ibn Rabi' talks about the Mudejars. See their "The Islamic Statute of the Mudejars," p. 9 (note 41).

4. It can now be estimated that at the time of the Christian conquest of eastern al-Andalus (roughly the territory of the Crown of Aragon) about half the population

of one million inhabitants was Muslim. Valencia and Aragon proper were the most densely settled regions, with Navarre and Majorca having only smaller non-Christian populations. Perhaps 1,000 Muslims lived among 100,000 Christians in Navarre, whereas the 175,000 Mudejars of fourteenth-century Valencia outnumbered the Christians in that province. See J. N. Hillgarth, *The Spanish Kingdoms, 1250–1516* (Oxford: Clarendon, 1976), p. 30; and Viguera Molins, *Aragón Musulmán*, p. 181 ff.

5. Van Koningsveld and Wiegers, "The Islamic Statute," pp. 15–16.

6. Recent studies, however, by Ana Echevarría, J. P. Molénat, and Gerard Wiegers have contributed much to filling these lacunae. Among their publications, see especially Ana Echevarría Arsuaga, "Conversión y ascenso social en la Castilla del siglo XV: Los Casos de Farax de Belvis y García de Jaén," in *Actas del VII Simposio Internacional de Mudejarismo* (Teruel: Centro de Estudios Mudéjares, 2002), pp. 555–567; and her "De cadí a alcalde mayor: La élite judicial mudéjar en el siglo XV," *Al-Qantara* 24:273–290; Jean-Pierre Molénat, "L'arabe à Tolède, du XIIe au XVIe siècle," *Al-Qantara* 15:473–496; and his "Permanence de l'influence de la civilisation arabo-islamique dans la Péninsule Ibérique 'reconquise' (XIe–XVe siècle), notamment à travers les minorités 'transculturelles' (mozarabes et mudéjars). Le cas tolédan et les autres," in Mohammed Hamman, *L'Occident musulman et l'occident chrétien au Moyen Âge* (Rabat: Publications de la Faculté des Lettres et des Sciences Humaines, 1995), pp. 269–282; Wiegers, *Islamic Literature in Spanish and Aljamiado*.

7. Barceló Torres, *Minorías islámicas en el país valenciano*, has collected and analyzed numerous fragments of Arabic notes, communications, and memoranda exchanged between the region's Mudejars; see as well the comments of Meyerson, *The Muslims of Valencia*, pp. 259–261.

8. According to the census of 1495, Aranda had 205 households, 96 of which were Mudejar. Villafeliche had 261 households, 197 of which were Mudejar. See García Marco, *Las comunidades mudéjares de la comarca Calatayud*, p. 119.

9. In 1495, Savinán had 93 households, 50 of which were Mudejar. Terrer had 124 households, 68 of which were Mudejar—see *ibid.*

10. In 1495, these small towns would have contained between 50 and 60 households—see *ibid.*

11. See, e.g., David Nirenberg, "Muslims in Christian Iberia, 1000–1526: Varieties of Mudejar Experience," in Peter Linehan and Janet L. Nelson, eds., *The Medieval World* (London: Routledge, 2001), pp. 60–76.

12. That the Mudejars could unite amongst themselves when necessary despite intense local feuding "can be explained in part by the ability of Arabo-Berber segmentary societies to amalgamate when necessary, as well as to atomize." See Meyerson, *The Muslims of Valencia*, p. 254; and for a detailed discussion of the

important influence of Arabo-Berber social attitude and structures over the course of 250 years of minority life, see pp. 232–255.

13. Harvey, *Muslims in Spain*, pp. 369–377.

14. Monter, *Frontiers of Heresy*, p. 212, citing W. Hoenerbach, “Los moriscos a la luz de sus documentos,” in *Actas de coloquio*, p. 54.

15. Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 181–193 (docs. 11, 12, and 13).

16. Burns, “Muslims in the Thirteenth-Century Realms of Aragon,” pp. 60–73. On the Aragonese postconquest experience specifically, see Catlos, “The Ebro Valley and Valencia.”

17. We can surmise that the Maliki jurists would have wanted members of the Mudejar religious elite to pick up with their communities and cross over the border into Islamic territory, as the qadi of Nablus did, for example, with his community in the Frankish Crusader state. They emigrated to Damascus. See Sivan, “Réfugiés syro-palestiniens au temps des croisades.”

18. Ibn al-‘Abbar’s *Takmila*, a biographical dictionary of (usually) distinguished Muslim individuals of the twelfth century, constitutes our most informative source for the movements of elites. Manuela Marín’s study of the *Takmila* shows that many of the Aragonese ‘ulama’ who migrated relocated in Valencia. See Marín, “Des migrations forcées.” Catlos infers that most of the ruling class had fled in the wake of the Reconquest, referring to two published contemporary documents that indicate land transfer grants whereby Christian owners received property from two Muslim elite, one of whom was referred to as a “lord, who had since migrated from the region.” See his *The Victors and the Vanquished*, pp. 101–106. On the other hand, Brian Catlos posits that the elite who stayed may have welcomed the opportunity to occupy positions of power freed up by the migrations. See Catlos, *The Victors and the Vanquished*, pp. 101–106.

19. Marín, “Des migrations forcées,” pp. 43–60. These ‘ulama’ may have acted in obedience to the Maliki injunction to emigrate. They may have considered that only in an Islamic land could they again enjoy aristocratic patronage and learned collegiality. Some may have felt that they would be marginalized if they stayed in dar al-harb. Finally, there may have been positive incentives coming from family or wealthy patrons in dar al-Islam, like those the Almohad Caliph al-Rashid offered after the Christian conquest of Valencia. Caliph al-Rashid dispatched a letter pledging them his support upon their arrival in North Africa. He would grant these Muslims, as well as others who might join them, protection and a place to live, “a home where you shall live in the manner to which you were accustomed previously.” He promised, furthermore, that the newcomers would be taxed no more than long-term residents. Molina López, “Dos importantes privilegios a los

emigrados andalusies.” In a second letter the caliph offered an annual income of more than two hundred dinars to an illustrious Muslim, the *qa'id* Abi Bakr.

20. The figures of Mudejar migration from Xativa in 1248 serve as one example. Robert I. Burns maintains that Ibn al-ʿAbbar “may be compressing the events of 1248 and 1252” when he states that thousands of Muslims expelled from Xativa were arriving in Tunis in 1248. See Burns, Chevedden, and de Epalza, *Negotiating Cultures*, p. 21, as cited in O'Connor's *A Forgotten Community*, p. 36. See also O'Connor's discussion of other evidence available for the general population of this important Valencian *morería* in the mid-thirteenth century (*ibid.*).

21. For recent discussions of the *Libros de Repartimiento* as sources: Thomas Glick, “Reading the Repartimientos: Modelling Settlement in the Wake of Conquest,” in Mark Meyerson and Edward English, eds., *Christians, Muslims and Jews in Medieval Spain: Interaction and Cultural Change* (Notre Dame, IN: University of Notre Dame Press, 1999); Heather Ecker and Manuela Marin, “Archaeology, Arabic Sources and Christian Documents,” *British Journal of Middle Eastern Studies* 25:335–348, here pp. 342–348; Burns, Chevedden, and de Epalza, *Negotiating Cultures*; O'Connor, *A Forgotten Community*, pp. 32–46.

22. See Brian Catlos's remarks on the scarcity of sources for twelfth-century Aragon, where few documents comparable to the *Libros de Repartimiento* exist. See his “The Ebro Valley and Valencia,” p. 301.

23. Febrer Romaguera, “Los tribunales de los alcadías moros.”

24. Numerous records in the Valencian archives document transfers of Muslim inheritance to the Crown of Aragon's treasury when Mudejars died without legal heirs. These were signed by a Mudejar faqih, and often his calculations were scribbled in the margin of the texts. For a typical example, see ARV, MR (Maestre Racional) fol. 219r (1442), whereby Ali de Bellví certified the inheritance in the margin.

25. Febrer Romaguera, “Los tribunales de los alcadías moros,” p. 55.

26. See, for example, ARV, MR 9715 fol. 39r–v, Elche (1466) for Muslims traveling from Granada to Valencia to teach Arabic.

27. Meyerson, *The Muslims of Valencia*, pp. 267–268.

28. Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 78–84.

29. See my student Jared Brubaker's Stanford honors thesis, “Different Perspectives on a Shared Identity: The Moriscos of Deza, 1570–1611.”

30. García Marco, *Las Comunidades Mudéjares*, pp. 363–369. In the fifteenth century these *morerías* were administered by a group of elected officials. These included the *jurados*, *alamins*, and *procuradores*; they functioned as intermediaries, collecting taxes and serving as official representatives of the Mudejar community.

31. Conte Cazcarro, *La aljama de moros de Huesca*, p. 209.

32. That larger towns and cities housed smaller Mudejar populations is normal in part because Muslims had been forced to relocate, as stipulated by conquest treatises, outside of city walls generations before.

33. Blasco Martínez, "Notarios mudéjares de Aragón."

34. Subsequent chapters will discuss one faqih, al-Fasi, and his Arabic account of his captivity and subsequent redemption by Aragonese Mudejars. See chapter 7.

35. See chapter 3.

36. The Domalichs were also known as the "Fariza" (from Ariza). García Marco, "Un capítulo para la historia social."

37. Ibid., p. 357.

38. I deduce this from the data found in the appendix of García Marco's *Las comunidades mudéjares*, pp. 339–369, which lists the offices of the morería and the individual Mudejars that filled these positions over much of the fifteenth century.

39. Case studies of these scholars will be covered in chapters 3, 4, 5, and 6.

40. We will encounter occasionally a qadi who lived under seigneurial jurisdiction. Lieutenant qadis (see the discussion in chapter 4) assigned to royal morerías tended not to be occupied by faqihs.

41. The Crown's methods for collecting on Mudejar endowment deeds varied. For Xativa, because of the large population of Mudejars and the complexity of exacting percentages, the Crown exacted a cover tax annually of 400 sols. See, for instance, ARV, MR 3017, fol. 64r (1414–1419). Other inheritance claims by the Crown were exacted on a case-to-case basis. Mudejar inheritance was, in fact, the main financial target of Christians. Christian officials decreed, for instance, that a Mudejar's debts be paid before his inheritance was distributed among his heirs. If his debts to Christians were steep, this could mean that his relatives would be stripped of their inheritance and sadaq. Since the payment of a Mudejar woman's dower contract was often linked to her deceased husband's "estate," it was not unusual for Mudejar woman to litigate for the property and goods of her deceased husband, especially if he had been in debt to Christians. The Crown also claimed half the inheritance of a Muslim who died without heirs. Such intrusion threw off the calculations of inheritance among Mudejars, a process that was normally based on a strict science of divisions according to Islamic law.

42. Although based on ideological premises, the jurists' criticisms were, in fact, reasonable. Christian authorities did interfere in Mudejar bequest deeds. Furthermore, in strictly orthodox terms, the two-tiered legal system that prevailed between Mudejars and Christians was regarded as potentially corrupt: financial transactions dealing with usury, and property sales tainted by multiple exchanges, were illegal under Islamic law.

43. See Ruzafa García, "Patrimonio y estructuras familiares"; John Boswell, *The Royal Treasure*, pp. 43–49; and Febrer Romaguera, "Los Bellví," pp. 277–290.

44. On al-'Abdusi's ruling, see chapter 4 and note 46.

45. Basañez Villaluenga, *La aljama sarracena*, p. 30.

46. Ibid., pp. 30–31. Basañez Villaluenga attributes the faqihs' reluctance to assume the position of lieutenant qadi to the responsibilities and disadvantages associated with the position and, conceivably, to the scarcity of qualified Mudejars to fill the position.

47. See Catlos, *The Victors and the Vanquished*, pp. 247–248, following Meyerson, *The Muslims of Valencia*, pp. 256–259; Harvey, *Islamic Spain*, pp. 59–63.

48. Abdallah, the black faqih from Tunis, epitomizes the maximal ambit of translocalism insofar as, having been captured from dar al-Islam and led the life of an itinerant faqih through several Christian regions, he was busy helping other captives return to Islamic lands. See Meyerson, *The Muslims of Valencia*, pp. 267–269.

3. Transmitting Knowledge and Building Networks

1. Partial translation in Dwight Reynolds, *Interpreting the Self: Autobiography in the Arabic Literary Tradition* (Berkeley: University of California Press, 2001), pp. 157–164.

2. For an overview of medieval *rihla*, see Eickelman and Piscatori, *Muslim Travellers*.

3. On Mudejar Valencian networks, see the comments of Meyerson, *The Muslims of Valencia*, pp. 266–267.

4. The two Mudejars' full names are, respectively, Abu Hajjaj Yusuf b. Muhammad b. Ahmad and Abu Muhammad 'Abd Allah bin Muhammad bin 'Abdallah ar-Recli. As attested by the survival of Arabic and Aljamiado versions of the text, the *Kitab al-tafri' fi'l-fiqh* of Abu l-Qasim 'Ubayd Allah Ibn al-Jallab al-Basri (d. 1007) was popular among Mudejars. See Harvey, *Muslims in Spain*, p. 155, for manuscript references and the circulation of this text in Arabic and Aljamiado. See also Soha Abboud-Haggag, "Difusión del tratado jurídico de al-Tafri' de Ibn al-Gallab en el Occidente musulmán," *Aragón en la Edad Media* 14/15:1–18, and her study and edition of *El tratado jurídico de al-Tafri' de Ibn al-Gallab: Manuscrito aljamiado de Almonacid de la Sierra*, 2 vols. (Zaragoza: Institución Fernando el Católico, 1999).

5. Manuscripts traced to 'Abdallah ar-Recli (of Regla/Ricla, Aragon) and Abu al-Hajjaj include BN Madrid 4881, fol. 102, part 1 copied 1450, fol. 154v, and part 3 copied 1451, fol. 255r. Interestingly, the fatwas of Ibn Rushd they copied included

a question on Christians and Muslims intermarrying, and provisions for sadaq (fols. 170v–171r).

6. Van Koningsveld, “Andalusian-Arabic Manuscripts from Christian Spain,” and “Andalusian-Arabic Manuscripts from Medieval Christian Spain.”

7. Van Koningsveld, “Andalusian-Arabic Manuscripts from Medieval Christian Spain,” pp. 811–816.

8. This, however, could be an artifact of survival chances, with large settlements more vulnerable to confiscation of Arabic texts and to attrition over time of archives and small settlements affording more insulation from Christian pressures and more chance for the fossilization of medieval Arabic documents in hidden troves.

9. We need to be as innovative as recent scholarship has been in approaching traditional sources on Muslim scholars. See Berkey, *The Transmission of Knowledge in Medieval Cairo*; Michael Chamberlain, *Knowledge and Social Practice in Medieval Damascus, 1190–1350* (Cambridge: Cambridge University Press, 1993); Marín, “Des migrations forcées,” her “Biographical Dictionaries and Social History of Al-Andalus,” and, more generally, *Estudios onomástico-biográficos de al-Andalus*; Petry, *The Civilian Elite of Cairo*.

10. See Wiegers, *Islamic Literature in Spanish and Aljamiado*, p. 78. The manuscript has disappeared, but a brief description of the colophon was published by F. Codera, “Almacén de un librero morisco descubierto en Almonacid de la Sierra,” *Boletín de la Real Academia de la Historia* 5:269–276, which includes reference to the Granadan origins of the text. See also Meyerson, *The Muslims of Valencia*, p. 262.

11. BN Madrid ms. 4950, fol. 232r. We will discuss Muhammad al-Morabeti in more detail. He was a Mudejar scholar from Terrer, a small hamlet a short distance from regional commercial hub, Calatayud.

12. That is, the Spanish name *Calavera* was rendered into Arabic letters, or aljamiado.

13. See BN Madrid ms. GR 6; and Van Koningsveld, “Andalusian-Arabic Manuscripts from Christian Spain,” p. 95.

14. BN Madrid ms. 4908; and Hoenerbach, *Spanisch-Islamische Urkunden*, p. 303 (doc. 34).

15. See BN Madrid 4949; with Van Koningsveld, “Andalusian-Arabic Manuscripts from Christian Spain,” p. 95. In this same codex is found a copy by Musa Jamjami in 1514 of several fatwas issued by the Granadan jurist al-Mawwaq (not cited by Van Koningsveld).

16. Musa al-Qurashi al-Jamjami notarized a document verifying the payment of a debt (in Arabic) (1515); BN Madrid ms. 4908/5. See Hoenerbach, *Islamische Urkunden*, pp. 307–308 (doc. 36).

17. BN Madrid ms. 4943. It is also conceivable that 'Ali had owned or borrowed, rather than copied, the *Risala*.

18. See BN Madrid ms. 4943/42 for the birth certificates, in Arabic, of 'Ali Qurashi's five children: Fatima (889/1484–85), Aisha (891/1486–87), Muhammad (901/1495–96), Ishmael (902/1496–97), Shems (907/1501–02). My correction of the catalog listing consists in the addition of Ishmael. In producing these certificates 'Ali identifies himself, in most cases, as 'Ali al-Qurashi, known as "Calavera." In one instance (Shems' certificate), he is 'Ali al-Qurashi, known as "Jamjami." In all five certificates 'Ali identifies himself as faqih.

19. García Marco, *Las comunidades mudéjares*, p. 367. The Spanish names for these faqihs are Ali, Mahoma, and Brahem Calavera. With this abbreviated name, and because the Arabic texts by or concerning Mahoma and Brahem seem not to have survived, it is difficult to establish how exactly they were related.

20. Several fragments of legal formularies survive—"provision for teachers to open a school," or "teaching contracts between teachers and parents"—from the Aragonese region. See Ribera y Tarrago, "La enseñanza entre los musulmanes españoles," pp. 354–359.

21. See BN Madrid ms. 4947. For another such father-son dedication, see Madrid (CSIC) Junta ms. 20/3, fols. 36–166, for a fourteenth-century collection of hadith that a father prepared for his son in Aragon.

22. For the bilingual (aljamiado-Arabic) list of legal terms from the *watha'iq* of ibn Mughrit, copied, or translated, by Musa ibn 'Ali al-Qurashi under the direction of Abu Ibrahim b. Lubb b. Abi Rabi' (902/1496–97: Calatayud), see BN Madrid ms. 5452/13. Historians are finding an increasing number of bilingual texts that were used for pedagogical purposes. They may have been produced for two reasons—for translating Arabic into the more widespread aljamiado or (and this possibility is less often considered) for translating aljamiado into Arabic, so that a younger generation that had grown up mostly with aljamiado might learn and use Arabic. See chapter 4 for a discussion of Mudejar notarial manuals (*watha'iq*).

23. An Ibrahim ibn Rabi' (rendered in Romance: Ybrahim Abenrrabi) appears as well as a faqih in a document dated to 1490 and edited by García Marco in his *Las comunidades mudéjares*, p. 273 (doc. 27).

24. Reynolds, *Interpreting the Self*, p. 158.

25. Fournel-Guérin, "Le livre et la civilisation écrite," pp. 244–245.

26. Yusuf b. 'Ali b. 'Ab[d]ala al-Monastiri al-Balansi was to receive 450 sueldos for his services, a salary probably supplied by *waqf* funds. Al-Balansi (from Valencia) does not necessarily suggest that the Muslim was imported from Valencia, as assumed by, for instance, Monter, *Frontiers of Heresy*, p. 211. Rather, several Mudejars of this name can be found in the area, and al-Monastiri was an Aragonese

locale as well. For the Arabic text, see Hoenerbach, *Spanisch-Islamische Urkunden*, p. 329 (appendix, doc. 39).

27. See Ribera y Tarrago, "La enseñanza entre los musulmanes españoles," pp. 354–359.

28. Monter, *Frontiers of Heresy*, p. 213. This remark was penned by Pedro Aznar Cardona, who wrote and published his *Justified Expulsion of Spanish Moriscos* in Huesca in 1612. For instruction of Morisco children, see Brubaker, "Different Perspectives," pp. 46–48.

29. Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 259–263 (doc. 24).

30. Bequests were an important tradition in Mudejar religious culture: monetary gifts willed to the local *waqf*, for instance, were regarded as a sign of piety. These funds supported the local community's mosque, the salary of the faqihs, and were channeled into charities for the poor. Charitable endeavors organized by Aragonese faqihs are discussed in chapter 6. Viguera Molins published a Mudejar bequest document drawn up in Arabic in Medinaceli. See her "Partición de herencia."

31. I shall explore these linguistic dynamics in chapters 4 and 6.

32. Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 345–349 (doc. 43). Muhammad Calavera identified himself as "Muhammad al-Qurashi, known as Calavera," pp. 345:5–6 and 348:6.

33. 'Ali b. Yahya al-Jaziri (d. 1189) compiled a notarial manual (watha'iq) that circulated in Muslim Spain as in Christian Spain. Watha'iq customarily included brief fiqh passages as explanation after each formulary. It is to such commentaries (*shuruhat*) that Muhammad al-Qurashi refers. See Aguirre Sadaba, "Notas acerca de la proyección," for an overview of Andalusian notarial activity as well as Asunción Ferreras's recent edition of *Al-Jaziri al-watha'iq: Al-maqsad al-mahmud fi taljis al-'uqud (proyecto plausible de compendio de fórmulas notariales)*, Fuentes arábico-hispanas 23 (Madrid: CSIC, 1988). See also the chapter 4 for cases of Mudejar copies of and use for watha'iq.

34. Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 346:9–10 and 348:9–10 (doc. 43).

35. Ibid., pp. 346:13–15 and 348:13–15 (doc. 43). The "sermons" probably refer to Ibn Nubata's tenth-century sermons. On Ibn Nubata, see chapter 6.

36. Ibid., pp. 346:15–347:23 and pp. 348:15–349:23.

37. Although no explicit reference survives to determine whether he is a cousin or brother of Musa and 'Ali and the al-Qurashi Calavera clan of Savinán, in his letter Muhammad does refer to his hometown (possibly Savinán), which was not in Zaragoza and where he kept some of his Arabic texts.

38. BN Madrid ms. GR 71. See Van Koningsveld, "Andalusian-Arabic Manuscripts from Christian Spain," p. 95 (9).

39. Muhammad dates the text according to the hijra 899, without giving a Christian date (which is 1493–94). Ibid., p. 98 (55). Muhammad Calavera's mentor, Abu 'Abd Allah Muhammad al-Ghazi, in fact, began a translation of another work of al-Ghazali's, his *Mizan al-'amal*. For a surviving fragment of al-Ghazi's Arabic-Aljamiado glossary of al-Ghazali's *Mizan al-'amal*, see RAH ms. T12, fol. 58r. Gerard Wiegers also points to an anonymous manuscript indicating that translation of al-Ghazali's *Bidayat al-Hidayah* began by the end of the fifteenth century. The Mudejars' use of this text will be discussed in chapter 5. See Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 204 and 228.

40. Cabezero Astrain, "Noticias y documentos," p. 106.

41. Interestingly, we also see two references to a Muhammad Calavera. In 1461 Ibrahim al-Qalb, who will be discussed in more detail in the chapter 4, issued, as a royal notary, a marriage contract in Arabic specifying that he had done so "by the command of the chief qadi Muhammad Calavera." See Escorial Arabic ms. 993, fol. 1; see also Labarta, "Reconocimiento de tutela," where a Muhammad b. "Galib" is identified as an official notary under the qadi Muhammad al-Qurashi (Muhammad Calavera).

42. See note 33, this chapter, for al-Jaziri and chapter 6 for Ibn Nubata's popularity among the Mudejars.

43. See Mercedes García-Arenal, "Los Moros de Navarra en la Baja Edad Media," in García-Arenal and Leroy, *Moros y Judíos en Navarra*.

44. See Fournel-Guérin, "Le livre et la civilisation écrite," pp. 246–247.

45. García Marco shows Valencians from Castilnou, Val de Almonacid, Torrestores, and especially Benaguacil traveling back and forth from the Calatayud region in Aragon. See his *Las comunidades mudéjares*, p. 192. Such commercial contacts can be found to date back to the thirteenth century. See Catlos, *The Victors and the Vanquished*, pp. 285–286.

46. The privilege clauses of the thirteenth-century Reconquest treaties gave the Mudejars the right to travel back and forth to Granada and North Africa. These rights were gradually rescinded over the next century. Martin I the Humane, in 1392 and again in 1408, forbade any Mudejar to emigrate from the kingdom of Valencia to Islamic lands or elsewhere outside the kingdom. This edict was renewed intermittently throughout the century. See Ferrer i Mallol, *Els sarraïns de la Corona*, pp. 106–111 and 137–145; and Meyerson, *The Muslims of Valencia*, pp. 68–74.

47. ARV Bailia 1151:396v (1451): The bailiff of Valencia grants Abdalla Almurit and his son Mahomat a license to travel to Granada to collect the third part of an inheritance left to them by a parent who had died there. Likewise, see ARV Real 707:274v (1472) for a license granted to Mahomat Dalocano and Ali Borgimeres, respectively from Daroca and Borja, to travel to Granada in order to collect inheritance from relatives who had died there and to settle family affairs.

48. See ARV MR 9715, fol. 39r–v, which records a fee paid to a Christian official by the *aljama* of Elche (Valencia) in 1465 for a license allowing a Granadan faqih (“Ali Addehen, moro alfaqui de terra de moros”) to enter the town and to teach Arabic (“mostrar de letra morisca”). For record of travel licenses obtained by Valencian faqihs traveling to Almería, Tunis, Oran, and Granada to study Arabic language and Islamic law, see Meyerson, *The Muslims of Valencia*, p. 259–61.

49. Epalza, pp. 66–89 (Spanish translation). See note 63 for a trigonometry treatise a Mudejar brought back to Valencia from Cairo in 1450.

50. Ibid., p. 41 (Arabic text). “Al-*alphiyya*” is a famous thousand-line poem on the essence and essentials of Arabic grammar, written in the thirteenth century by Ibn Malik, who composed it in verse to help students memorize rules.

51. Ibid., p. 41 (Arabic text).

52. See Van Koningsveld’s articles referenced in note 6.

53. Paradoxically, however, no Arabic documents or books that can be attributed to them have come to light. This should be related to the very scant survival of Arabic texts from Valencia, which too easily leads one to consider these merchant families only as merchants, so as driven by purely materialist urges. However, that they counted qadi and faqih members and were actively involved in the redemption of captives (see chapter 6) should caution us against such an oversimplification.

54. Conte Cazarro, *La aljama de moros*, pp. 299–304. For the scandal involving Culeymán Marguám, who traveled to North Africa, see chapter 7, note 70.

55. See note 36, this chapter.

56. Vatican Cod Borg. Ar. 171 (LdV 169–70) as cited in Van Koningsveld, “Andalusian-Arabic Manuscripts from Christian Spain,” p. 99 (67). I have not personally seen the Mudejar Arabic texts that Van Koningsveld identified in the Vatican library, but they are noteworthy in that they include Aragonese Mudejar glosses on polemical treatises, copies of several of al-Ghazali’s works, and a fatwa pertaining to the Mudejars issued by a North African mufti who condones *taqiyya* (practicing Islam covertly). The last item was published by Harvey, “Crypto-Islam in Sixteenth-Century Spain,” pp. 163–178. Two other Mudejar texts cited by Van Koningsveld, moreover, appear to have been copied by Aragonese faqihs: Ibrahim al-Qalb (the official notary of King Ferdinand and the *khatib* of the mosque of Tarazona) whose scholarly activity is discussed in chapter 4, and M. bin Ibrahim bin ‘Abd al-Malik (Musa Domalich, the third faqih of the influential Domalich clan in Calatayud, discussed in chapter 2). The documents, a fiqh text by Ibn ‘Abd al-Barr and al-Ghazali’s *Kitab al-Arba’in*, were copied in 1445 and 1485, respectively, which correspond to the scholarly activity of these two Aragonese scholars. See Van Koningsveld, “Andalusian-Arabic Manuscripts from Christian Spain,” p. 99 (59, 62).

57. Surviving Arabic manuscripts associated with Abu 'Abd Allah Muhammad al-Ghazi include Madrid (CSIC) Junta ms. 100/1: letter from Muhammad al-Qurashi; RAH T12: Arabic-Spanish glossary of al-Ghazali's *Mizan al-'amal*. For a brief discussion of the Spanish translation of al-Ghazali's works by the Mudejars, see Wiegers, *Islamic Literature in Spanish and Aljamiado*, p. 204.

58. References to Muhammad al-Ghazi located in Spanish archives include ARV Bailia 1151, fol. 136r (1451), in which an "Abdalla Algazi" is identified as royal physician. ARV Real Diversorum 282, fol. 50 (5/7/1460), which states that preferences for travel license should be given to "Maestre Abdallah, fisico del rey." Luis García Ballester cites four known Mudejar petitions for medical licenses over the fourteenth and fifteenth centuries, including that of "Abdalla Gasi" (ARV Real 51, fols. 111v–112). But there were certainly more Mudejars practicing medicine, both officially and unofficially. Mark Meyerson finds Mudejar surgeons training in Valencia in the fifteenth century, at least one of whom passes an examination given by a Christian physician. See, respectively, Luis García Ballester, "A Marginal Learned Medical World: Jewish, Muslim, and Christian Medical Practitioners and the Use of Arabic Medical Sources in Late Medieval Spain," in *Medicine in a Multicultural Society*, p. 366; and Meyerson, *The Muslims in Valencia*, p. 262.

59. Van Koningsveld has shown that the majority of Arabic medical manuscripts circulating in medieval Christian Spain belonged to Jews, although, obviously, not all. See his discussion in Van Koningsveld, "Andalusian-Arabic Manuscripts from Medieval Christian Spain," pp. 811–816. A few texts, like Ibn Sina's *Qanun*, which Muhammad Calavera studied with Muhammad al-Ghazi, may well have been a product of exchange between Muslim and Jewish physicians.

60. See Harvey, *Islamic Spain*, pp. 141–142, for Muza el Cortoví, a qadi in 1441, the queen's physician.

61. García-Arenal, "Los Moros de Navarra"; and Harvey, *Islamic Spain*, pp. 139–141: Navarre's Mudejars were distinguished from those of other regions by their relative prosperity and comparatively reduced religious persecution. Navarre's Mudejar elite could hold high offices within the Christian administration.

62. Although Muslims had been renowned as physicians and scientists in previous centuries, by the fifteenth century they were not permitted to study with Christians or to receive a physician's license to practice medicine. Mudejars were denied access to medical schools in the kingdom of Aragon; García Ballester, *Medicine in a Multicultural Society*, p. 365. Archival evidence indicates, however, that although Muhammad may have been unusual, he was not alone in his interest in medicine. With the exception of those few Muslims who worked for Christian royalty, Mudejar physicians, though excluded from official practice by the Christians and banned from their medical schools, kept a low profile and worked within their communities. We cannot be sure of their numbers or expertise, but

judging by what Inquisition records tally as well as by the interest that Christians showed in gaining access to these medical texts, it is clear that Arabic medical texts were circulating within Christian Spain. In the latter half of the sixteenth century, Zaragoza was still a center for medical knowledge and practice. A Morisco even petitioned the Inquisition to continue practicing medicine in Zaragoza. He claimed that he studied Ibn Sina's *Qanun*, and had "always" studied "medicine in the Arabic language." See Mary Halavais, *Like Wheat to the Miller: Community, Convivencia, and the Construction of Morisco Identity in Sixteenth-Century Aragon* (New York: Columbia University Press, 2005), chapter 9 (note 28), citing Jacqueline Fournel-Guérin, "La pharmacopée morisque et l'exercice de la médecine dans la communauté morisque aragonaise (1540–1620)," *Revue d'histoire maghrébine* 5(6): 53–62.

63. García Ballester, *Historia social de la medicina*, p. 72, "A Marginal Learned Medical World," p. 364, citing Emmanuel Poulle, "Théorie des planètes et trigonométrie au XVe siècle, d'après un équatoire inédit, le Sexagenarium," *Journal des Savants* 3:129–161. And, more recently, Maravillas Aguiar Aguilar and José Antonio González Marrero, "El tratado astronómico del sexagenarium: Una aportación mudéjar valenciana a la historia de la ciencia," *Sharq al-Andalus* 13:183–202. See also Meyerson, *The Muslims of Valencia*, p. 262.

64. Princeton (Garrett Collection) Arabic ms. 1094, as cited by Van Koningsveld, "Andalusian-Arabic Manuscripts from Christian Spain," p. 100 (70). Jews, Christians, and Muslims accorded substantial value to Arabic medical manuscripts. This manuscript, initially copied in 1480, met the interest of a Christian physician in 1566. Given that the use of Arabic had been by then forbidden, he had to obtain permission from Archbishop Martin de Ayala to look at it. See García Ballester, *Historia social de la medicina*, pp. 357 and 364; and Burns, *Jews in the Notarial Culture*, p. 15. For the *Uryuza*, see again Hoenerbach, *Spanisch-Islamische Urkunden*, p. 346:16 (doc. 43).

65. The Calavera devotion to the medical profession appears to have lasted into the morisco period. Interestingly, a "Cosme Calavera" is identified as a doctor in Ricla in the mid-sixteenth century. See Fournel-Guérin, "Une famille morisque," p. 179. And Musa Calavera is also referred to in passing as a doctor in a note, written in aljamiado, which was sent to him. BN Madrid ms. Gg. 38, fol. insert, as cited in E. Saavedra, *Apéndice I del discurso de ingreso a la Real Academia Español* (Madrid, 1878), pp. 248–249 (doc. 12).

66. See BN Madrid ms. 4950, fol. 232r.

67. BN Madrid ms. 4950, fol. 201r–201v (*tafsir* or Qur'anic commentary), fols. 202r–220v (purification laws), fols. 221r–225v (hadith).

68. As Viguera Molins points out, "older and younger" tend to refer to grandfather and grandson, which seems to be the case here. See her comments in "Dos

nuevos documentos,” p. 245. The younger Muhammad appears in a Christian archive document, edited by García Marco, *Las comunidades mudéjares*, pp. 260–262 (doc. 23), an arbitration sentence over dowry dated to December 27, 1486. Presumably it was translated from the Arabic. We also have two records of a Mahoma Almoravi and Mahoma Almoravi menor who served as faqihs and arbiters in Terror between 1451 and 1486. Another relative, Lope, occupied the offices of *alamin* and *procurador* for this small Muslim community. See García Marco, *Las comunidades mudéjares*, pp. 368 and 358.

69. BN Madrid ms. 4950, fols. 1–57r, 61r–169r, 169v–178r, 179r–184v, 243r–269v.

70. In addition to the al-Morabeti family codex, BN Madrid ms. 4950, several works that were at one point in Muhammad al-Morabeti the elder’s possession have survived. Texts of fiqh and preaching that al-Morabeti recovered from Muhammad Ali Amora in 1415 as well as a work on al-Ghazali that Muhammad owned are among his papers. A reference to a Muhammad al-Morabeti survives in BN Madrid ms. 5326 in which a Muhammad b. Ali Almora indicates in passing that he had copied some texts for Muhammad, including *Kalila wa-Dimna*, in 1415. Precisely which, if any, other texts Almora actually did copy for Muhammad al-Morabeti remains unclear, as the hand of his colophon is different from that of the texts copied in the codex (al-Ghazali, hadith, and a treatise on preaching).

71. In another manuscript, BN Madrid ms. GR 103, Muhammad b. Muhammad b. Muhammad al-Murabit copied in 1471 a *tafsir* (qur’anic commentary) in Terror. As cited in Van Koningsveld, “Andalusian-Arabic Manuscripts from Christian Spain,” p. 96.

72. On Ibn Nubata’s sermons, see chapter 6, note 57. Ibn al-Fahhar al-Judami’s (d. 723/1323) commentary on Ibn Abi Zayd al-Qayrawani’s *Risala* was also popular among the Mudejars. For fifteenth-century Mudejar copies of al-Judami’s work *Kitab manzum al-durar*, see Madrid CSIC ms. 14 as well as BN Madrid ms. GR 36 and Madrid CSIC ms. 31, the latter two cited by Van Koningsveld, “Andalusian-Arabic Manuscripts from Christian Spain,” pp. 95–96 (3) (35).

73. Carmona González, “Textos jurídico-religiosos,” pp. 15–17, especially; Viguera Molins, “Dos nuevos documentos,” pp. 240–243; Van Koningsveld, “Andalusian-Arabic Manuscripts from Christian Spain,” pp. 75–88; Harvey, *Muslims in Spain*, pp. 143–167.

74. Subsequent chapters will discuss Muhammad al-Arqam, Muhammad al-Kushwandi, Ibrahim al-Qalb, as well as other Mudejar scholars and their texts.

75. See Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 334–339 (doc. 40). These faqihs will be discussed in more detail in chapter 3.

76. Ana Labarta and J. Carlos Escribano “Las Bibliotecas de dos Alfaquíes Borjanos,” *Anaquel de los Estudios Árabes* 11 (2000), pp. 355–367. As noted in the article,

Inquisition records constitute one of our best indirect sources for the Arabic texts that Mudejars circulated amongst themselves. Jacqueline Fournel-Guérin utilizes Inquisition records in her study of Aragonese morisco texts. And for Valencia, Ana Labarta has published several studies on the Arabic texts confiscated by Inquisition officials. For their respective publications, see bibliography.

77. Labarta and Escribano, "Las bibliotecas," p. 365 (item 34).

78. Items 21 and 44 of the list are works of *farā'id* (division of inheritances), item 19 is an Arabic grammatical treatise, items 13 and 47 refer to formulary manuals (*watha'iq*), item 40 is a *mujadala* (polemic), item 10 (rendered "de caligua gualine" by an inquisition scribe) probably refers to *Kalila wa-Dimna*; the medical texts are listed as items 7 and 54; *ibid.*, pp. 364–367.

79. BN Madrid ms. 5326/73, fol. 5 insert.

80. We can only speculate on how Muhammad al-Morabeti acquired a copy of this fatwa from Oran; perhaps the emigrant to dar al-Islam who met with Ibn Miqlash sent back the fatwa, as well as the appended questions that were asked of the mufti, through a Mudejar network that had operated between Aragon and North Africa. This may have happened, in fact, several decades before Muhammad al-Morabati copied the text, with enough time having elapsed that he could not say when or where the text originated. See chapter 1, note 32.

81. García Marco, "Un capítulo para la historia social." For the faqihs of the Marguán family, Conte Cazcarro, *La aljama de moros*, p. 300 specifically.

82. Monter, *Frontiers of Heresy*, pp. 219 and 227, citing Fournel-Guérin, "Une famille morisque," pp. 179–184.

83. Monter, *Frontiers of Heresy*, p. 227, citing Jacqueline Fournel-Guérin, "La femme morisque en Aragon," in *Les Morisques et leur temps* (Paris: CNRS, 1983), p. 529.

84. See chapter 4, note 71.

85. See García Marco, *Las comunidades mudéjares*, pp. 196 and note 301 for "Marién de Marquan."

86. This note is dated to the beginning of the sixteenth century. Saavedra, *Apéndice I*, pp. 248–249 (doc. 12). See notes 36 and 59 above for the Calavera connection to the medical profession.

87. I paraphrase Fournel-Guérin, "Le livre et la civilisation écrite," p. 243; cf. Van Koningsveld, "Andalusian-Arabic Manuscripts from Medieval Christian Spain," p. 815.

88. See Meyerson, *The Muslims of Valencia*, pp. 259–260, for some rural communities in Valencia. For Aragon, see the discussion by Catlos, *The Victors and the Vanquished*, pp. 247–248.

89. As shown by Van Koningsfeld, "Andalusian-Arabic Manuscripts from Christian Spain," p. 86. See however the caveat in this chapter, note 8.

90. See the discussion of early translations in Castille in Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 47–69.

91. See Harvey's discussion in *Muslims in Spain*, pp. 131–133; and Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 203–205.

92. According to Mancebo's account of the Zaragoza meeting of 1534, Don Manrique from Segovia was a rich merchant whom the participants honored by making him their prayer leader. Ultimately the young Mancebo of Arevalo, with whose writings this book begins, mentions that he was asked by the Aragonese scholars to work on an aljamiado version of qur'anic commentaries. See Harvey, *Muslims in Spain*, p. 181–182.

93. See Viguera Molins, "Partición de herencia"; and Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 259–263 (doc. 24). The latter text will be discussed in more detail in chapter 6.

94. García Marco, "Un capítulo para la historia social."

95. Scholarly attention to modern Muslim networks has increased in recent years. Among other publications, the following are particularly relevant: Mandaville, *Transnational Muslim Politics*; and especially the articles included in two volumes: Cooke and Lawrence, *Muslim Networks from Hajj to Hip Hop*; and Allievi and Nielsen, *Muslim Networks and Transnational Communities*.

4. Write It Down!

1. BN Madrid 5452/3. This is an undated letter, in Arabic, from 'Ali b. Tawil to the faqih Abu 'Abdallah Muhammad al-Morabeti concerning some papers of the faqih that 'Ali seems to have lost. 'Ali assures Muhammad in his note that he will continue searching. See Hoenerbach, *Spanisch-Islamische Urkunden aus der Zeit der Nasriden und Moriscos* (Berkeley, 1965), pp. 350–351 (doc. 44).

2. In 1514, while in Paterna (Valencia), Musa al-Jamjami copied a work of jurisprudence by Abu Bakr Ibn al-'Arabi. He scribbled into the margins the complaint that the text he was copying was replete with faulty language (*lahn*). See BN Madrid 4949 and chapter 3, and note 15.

3. Cod Borg Ar. 171 (LdV 169–70), cited in Van Koningsveld, "Andalusian-Arabic Manuscripts from Christian Spain," p. 99 (doc. 67). The Mudejar faqih was from Arándiga (in the Ebro Valley near Calatayud) and had traveled to Paterna (Valencia) in 1519.

4. The most glaring example is the penalty for apostasy, which, according to Islamic law, was death. Christian law prohibited punishments meted out by Islamic officials for Mudejar converts to Christianity. Although Muslims were given

the right to practice sunna and shar'ia in the twelfth-century, as demarcated in the capitulation treatises, by the fifteenth century, significant adjustments to the original provisions had been made. For a discussion of Mudejar and Christian jurisdictional conflicts and overlap in fifteenth-century Valencia, see in particular Febrer Romaguera, "Los tribunales de los alcadías," pp. 45–77; and Meyerson, *The Muslims of Valencia*, pp. 184–224. A detailed study of the respective spheres, and overlap, of Christian and Mudejar jurisdiction and juridical practices for fifteenth-century Aragon remains a conspicuous lacuna. Recently Brian Catlos published a careful study of twelfth and early thirteenth Mudejar administrative and judicial structures, complementing what John Boswell, and then María Teresa Ferrer i Mallol, had executed for the fourteenth century. See Catlos, *The Victors and the Vanquished*; John Boswell, *The Royal Treasure*; and Ferrer i Mallol, *Els sarraïns de la Corona*.

5. Harvey, *Islamic Spain*, pp. 107–108. It is difficult to know whether Muhammad compiled the list himself or recopied a preexisting compilation.

6. Madrid (CSIC) Junta ms. 45, fol. 69r. This faqih can be identified as Muhammad al-Kushwandi, who will be discussed in more detail in chapter 5, "Pretending to Be Jurists."

7. For the watha'iq texts in Maliki law, see Hoenerbach, *Spanisch-Islamische Urkunden*; and Tyan, *Le notariat et le régime de la preuve*.

8. According to Jesús Zanón, the overwhelming majority of the Arabic texts that circulated among the Mudejar scholars in Aragon consisted of juridical texts—primarily fiqh (jurisprudence) and watha'iq manuals (formularies for the redaction of contracts and their commentaries)—at 33.8 percent overall, followed by the Qur'an (20.4 percent overall) and grammatical treatises (16.6 percent overall). The remaining 30 percent of the Arabic texts from the Almonacid collection are divided amongst the genres of *adab* (11.8 percent), mystical treatises (4.4 percent), hadith (3.8 percent), sermons, *khutbas* (3.7 percent), theology (3.0 percent), prayers and supplications (2.3 percent), and poetry (.2 percent). See Zanón, "Los estudios de lengua árabe," pp. 365–366. I corrected one figure. According to Zanón's own data, 70.8 percent of the texts comprise law, Qur'an, or grammar, not 60.8 percent, as the article incorrectly states.

9. Two extant Mudejar Arabic contracts issued for apprenticeship and guardianship include, respectively, Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 328–329 and 331 (doc. 39c); and Labarta, "Reconocimiento de tutela a un mudéjar." See also Pérez Viñuales, "Contratos de 'Firma de Mozo Aprendiz,'" and "La actividad artesanal de los mudéjares en la villa de Épila (Zaragoza) en el siglo XV," *Actas del VII Simposio Internacional de Mudejarismo* (Teruel: Instituto de Estudios Turolenses, 1999), pp. 123–132.

10. For a detailed discussion of the relationship of the qadi to the faqih, particularly the faqih as mufti, in medieval Maghribi society, see Powers, *Law, Society, and Culture*, pp. 17–22, as well as the case studies that follow.

11. Asuncón Blasco Martínez identified eighty-eight Mudejars in Aragonese archives who were referred to as faqihs in the fourteenth and fifteenth centuries. See Blasco Martínez, “Notarios mudéjares.”

12. See García Marco, *Las comunidades mudéjares*, pp. 261–262 (doc. 23). For the difference between dower (a gift from the husband or his family to the wife) and dowry (a gift from the wife’s family to the couple or the husband), see Diane Owen Hughes, “From Brideprice to Dowry in Mediterranean Europe,” *Journal of Family History* 3:262–296.

13. ARV Real 630, fol. 206 r. (7/10/1422): “Resposta feta per lo alcadi de la moreria de xativa a consultoria del procurador del duch de Gandia l’any m cccc xxii 10 de juliol. Aquests son les drets per los quals lo alcadi de la moreria de la ciutat de xativa ha de salari les quantitats següents”:

Primo per cartes de matrimoni fetes entre moro e mora, dos sols—ii sols.

Item per cartes de compres e vendes fetes entre los moros de totes coses e deposicions de bens seents e de donacions e de lexes e de cartes de partir matrimoni per cascuna carta iiii diners—iiii diners.

Item de tot pleyt e questions que han davant lo alcadi, lo quals son posats per scrit en cascuna demanda e posada que fan cascuna de les dites parts, quatre diners—iiii diners.

Item de totes les questions que seran davant lo alcadi les quals seran de nua paraula per be que sen seguesca pronunciacio o sentencia de paraula, no sen deu pendre res.

Item per partir les herencies de comu de tant quant monta la quantitat de aquelles dos diners per letra—ii diners.

Item de tota pronunciacio o sentencia de castich de la qual sen seguesca asots o mort o mutilaccio de membre e no ve a composicio de pecunia, lo alcadi non ha res.

Item de tota composicio feta per les dites coses que vinga a taxacio de averies es aleccio del batle quant ne voldra dar al dit alcadi, car la taxacio se pertanyer al dit batle e no al dit alcadí.

14. See, for example, García Marco, *Las comunidades mudéjares*, pp. 260–262 (doc. 23) and pp. 271–273 (doc. 27).

15. See chapter 2, notes 36–38, the example of the ventures of the Domalich clan, revealed by García Marco’s fine investigative work.

16. For Aragonese colloquialisms, see Hoenerbach, "El notariado islámico y el cristiano"; and Labarta, "La aljama de musulmanes." For Navarre, Mercedes García-Arenal, "Documentos árabes de Tudela y Tarazona," *Al-Qantara* 3:27–72; and for Valencia, Barceló Torres, "Las cartas árabes de Vila-Real."

17. Viguera Molins, "Partición de herencia," p. 77.

18. Brian Catlos has posited a newly acquired importance for the Mudejars of keeping "formal archives" under Christian rule as early as the twelfth and thirteenth centuries. See his *The Victors and the Vanquished*, p. 240.

19. For England, the slow passage to a culture of archives from a predominantly oral culture has been analyzed with superb sensitivity to nuances by Michael T. Clanchy, *From Memory to Written Record: England, 1066–1307*, 2d ed. (Oxford: Blackwell, 1993). Relevant to this argument is the high propensity of the run-of-the-mill English peasants to keep (and be able to read) documents that concerned them and their properties.

20. I am not proposing here a simplistic acculturation thesis by which Aragon's Mudejars would have imitated Christian documentary practices because they were those of a hegemonic culture. Rather, I am spelling out the actual societal mechanisms by which the Aragonese came to replicate these practices.

21. For Aragon specifically, see Viguera Molins, "Les Mudéjars et leurs documents écrits en arabe," "Documentos mudéjares aragoneses," "Un mapa de documentos," and "Dos nuevos documentos"; García-Arenal, "Documentos árabes de Tudela y Tarazona"; Hoenerbach, "Cuatro documentos mudéjares"; Labarta, "La aljama de musulmanes," "Reconocimiento de tutela a un mudéjar." The number of published Mudejar contracts continues to grow. For relatively recent listings, see Mikel de Epalza and Luis F. Bernabé Pons, "Bibliografía de mudéjares y moriscos I," *Sharq al-Andalus* 12:631–655, "Bibliografía de mudéjares y moriscos II," *Sharq al-Andalus* 13:273–309; and Ferrando, "El Árabe andalusí."

22. Many of the surviving documents are debt contracts. See Barceló Torres, "Las cartas árabes de Vila-Real." Of the eleven documents García-Arenal edited in her "Documentos árabes de Tudela y Tarazona," seven are of sales (*bay'*) and four are of interchange/barter (*iwad*); all follow the Islamic notarial formulae.

23. See Meyerson, *The Muslims of Valencia*, pp. 203–216, for this jurisdictional split in the fifteenth century.

24. For modern editions of these formulary manuals, see Ahmad b. Mugit al-Tulaytuli, *Al-Muqni' fi 'ilm al-shurut (Formulario Notarial)*, ed. Francisco Javier Aguirre Sadaba (Madrid: CSIC, Instituto de Cooperación con el Mundo Árabe, 1994); 'Ali b. Yahya al-Jaziri, *Al-maqsad al-mahmud fi taljis al-'uqud (proyecto plausible de compendio de fórmulas notariales)*, edited and introduced by Asunción Ferreras (Madrid: CSIC, 1988). Other compilations of formulae were in use by

the Mudejars as well: e.g., BN Madrid ms. 4950 (fols. 58v and 242v), which includes passages from the wath'a'iq of Muhammad b. Ali Bakr b. 'Afyun al-Gafiqi (twelfth century). See Hoenerbach, *Spanisch-Islamische Urkunden*, pp. xxxii–xxxv for wath'a'iq circulating in Mudejar Spain and his listing of formularies for Islamic Spain generally, pp. xxx–xxxiii as well as, more recently, Aguirre Sadaba, “Notas acerca de la proyección”; and chapter 3, notes 22 and 33.

25. See BN Madrid ms. 5015 (fol. iv); another example can be found in BN Madrid ms. 5326 (fol. iv).

26. BN Madrid ms. 5015 (fol. 85v) for a formula on guardianship (*wadi'a*).

27. See BN Madrid ms. 5452/4 and ms. 5452/5, respectively. The former provides fiqh commentary on marriage transactions, excerpted from the wath'a'iq manual of al-Jaziri. One passage contains a standard discussion on whether it is licit for a Muslim man to propose to a Muslim woman who is observing *'idda* (the prescribed period during which a Muslim woman should remain in seclusion after the death of her husband or a divorce).

28. Mudejar contracts sometimes explicitly cite Ibn al Qasim al-Jaziri's wath'a'iq as the source for the formulary model. Abu Ishaq Ibrahim b. 'Ali al-Qurashi authorized a dower contract in 1503 in Arabic citing the format of al-Jaziri, and a dower contract dated to 1524 similarly referred to al-Jaziri's formulary. See, respectively, Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 176–180 (doc. 10) and pp. 190 and 192 (doc. 13). Other Mudejar contracts that were modeled according to al-Jaziri's formulary (but not cited as such) include Mudejar dower contracts issued in 1397, 1507, and 1522: *ibid.*, pp. 125–134 (doc. 5), pp. 181–184 (doc. 11), and pp. 185–188 (doc. 12).

29. Madrid (CSIC) Junta ms. 45, fol. 1. For my investigation of the faqih Muhammad al-Kushwandi and his texts, see chapter 5.

30. According to Blasco Martínez, “Notarios mudéjares,” p. 123 (note 76), the Gali family dominated the notary's position in Zaragoza for the latter part of the fifteenth century. I suspect that Ibrahim al-Qalb may have been a member of this family. Without any Arabic manuscripts directly traced to the Gali family, however, it is hard to confirm whether the Arabic rendition of “Gali” may have been “Qalb” or “Qalbi.” Hoenerbach identified an Ibrahim b. Muhammad Qalbi as an official notary for the king in 1482 (on this *aljamiado* document issued in Agreda, see note 74 in this chapter). Ana Labarta, on the other hand, identified a Muhammad b. “Galib” as an official notary under the qadi Muhammad al-Qurashi (an Arabic contract for transfer of guardianship issued in Daroca in 1477). I have, in turn, identified an Ibrahim b. Muhammad al-Qalb (an unpublished Arabic marriage contract, see note 32) as an official notary to the king *and* under the jurisdiction of the qadi Muhammad al-Qurashi in 1461. It would seem that, despite the different readings of “Galib”, “Qalbi,” and “Qalb (or Qalib)”, and the span of twenty years of professional activity, these contracts were probably issued all by the

same Muslim faqih. See Labarta, “Reconocimiento de tutela a un mudéjar”; and Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 318–325 (doc. 38).

31. From the mid-fourteenth century onward, the Crown preferred to oversee and regulate the office of the Mudejar notary by appointing scribes. The king appointed an official notary who was almost always a Muslim. Burns points out that when a Christian or Jewish notary was appointed by the Crown, this was not (in contrast with the conclusion of Boswell, *The Royal Treasure*, pp. 92–95 and 457–445) an anomaly but reflected one of three occasions: “a Christian or Jewish scribe licensed for non-aljama and especially commercial contracts . . . the translator-scribe for crown tax or other extra-aljama transference “en chrestianesch”; or the reward or sale of an office to an unqualified holder of the revenues who then subleased to a Muslim.” See Burns, *Jews in the Notarial Culture*, pp. 35–36.

32. Escorial ms. 993 (fol. iv).

33. Escorial ms. 993. Abdallah al-‘Ibir’s testimony was deemed invalid because he violated the stated stipulations, and Ibrahim al-Qalb includes the five legal premises for disqualification of a witness.

34. Escorial ms. 993, fol. 212v. They correspond to questions 14 and 15 in BN Madrid ms. 4950, fols. 236–237, copied by Muhammad al-Morabeti in 1397.

35. Escorial ms. 993, fol. 19r. The fatwa had been issued by ‘Ali bin ‘Uthman b. Ibrahim, a mufti still unidentified.

36. By Ibn Rushd’s twelfth century, a corpus of jurisprudence had emerged devoted solely to explaining Islamic contract law, making available to Muslim notaries volumes of formularies (known as watha’iq) and the commentary (fiqh) that explained various applications of the formularies. See Aguirre Sadaba, “Notas acerca de la proyección.”

37. ‘Ali b. ‘Abdallah al-Matiti (d. 570/1175), who compiled a well-known watha’iq manual. See Francisco Vidal Castro “Las obras de Ahmad al-Wansharisi (m. 914/1508): Inventario analítico,” *Anaquel de Estudios Árabes* 3:96 (note 61). Al-Matiti was popular in North African and Andalusian circles in his time, but this is the first reference to him by a fifteenth-century Mudejar that I have come across.

38. Ibn al-Qasim al-Jaziri (d. 585/1189). See Vidal Castro, “Las obras de Ahmad al-Wansharisi” (note 60).

39. Escorial ms. 993, anonymous scribe margins. See Miller, “Guardians of Islam,” chapter 4, for the Arabic transcriptions of the four clusters.

40. Zanón, “Los estudios de lengua árabe,” estimates that the Qur’an represented 20.4 percent of the Arabic texts in circulation in Mudejar Aragon. See also Consuelo López-Morillas, “The Genealogy of the Spanish Qur’an,” *Journal of Islamic Studies* 17(3): 255–294.

41. For al-Jaziri and the circulation of other watha’iq formularies, see note 28, this chapter, and chapter 3. Of the texts of Islamic jurisprudence copied by

Mudejar scribes in the fifteenth century, some popular Maliki jurists include, to name only a few, Ibn Abi Zayd al-Qayrawani (d. 996), Ibn Jallab al-Basri (d. 1007), Ibn 'Abd al-Barr (d. 1070), Abu l-Walid Ibn Rushd (d. 1126), Abu Bakr b. al-'Arabi (d. 1148), and Ibn al-Fakhkhar al-Judhami (d. 1323–4).

42. Manuals called *adab* outlined proper qualifications that these Muslims should meet. See Masud, “Adab al-Mufti.”

43. See *Mi'yar*, 10:63. Ibn 'Arafa's explication of the problem raised by strangers' documents and the circulation of such documents initially pertained to an incident in the Sudan [and Cairo]. In summarizing his ruling, he did not refrain from casting suspicion on the legitimacy of Mudejar contracts with the above jab at the Mudejar qadis.

44. See chapter 1.

45. The ideal qadi, as stipulated in the *adab al-qadi*, should have distanced himself from the influence of politics and power. In Islamic society, the offices of the qadi, mufti, *muwaththiq* (notary), *muhtasib* (market inspector) were supposed to meet exacting professional and legal standards, and the Muslims who occupied these positions were meant to comply with procedural and behavioral guidelines. See Masud, “Adab al-Mufti.”

46. The Maliki jurist 'Abd Allah al-'Abdusi (d. circa 849/1445), however, would argue that the Mudejars could not be denied *'adl* simply owing to their residence in dar al-harb and, consequently, that they should be granted the authority to authorize documents. In his fatwa, following the earlier Maliki scholar al-Mazari (d. 536/1141), al-'Abdusi also maintained that the Muslim community's need for a functioning legal system overrode any other objections to the appointment of the qadi, however valid in themselves. See Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 85–86; and Abou el Fadl, “Islamic Law and Muslim Minorities.” p. 151.

47. García Marco, *Las comunidades mudéjares*, p. 212 and pp. 363–369; Conte Cazarro, *La aljama de moros*, pp. 49–51 and 209, noted the same tendency for the fourteenth-century Mudejar faqihs of Huesca, where a majority population of Mudejars lived amongst Christians. One important exception to this general pattern was the Marguán family of Huesca (northern Aragon), a powerful clan of merchants in the region. The Marguán faqihs, discussed in this chapter, diverge from the pattern of avoidance detected by García Marco for the Ebro Valley region, holding several civic positions over the years.

48. Blasco Martínez, “Notarios mudéjares,” pp. 113–114. See as well Harvey, *Islamic Spain*, p. 148, translating Mercedes García-Arenal, “Los moros de Navarra en la Baja Edad Media,” in Mercedes García-Arenal and Béatrice Leroy, *Moros y Judíos en Navarra*, pp. 100–101.

49. Ibrahim al-Qalb (or Gali), Juce Abdon, and Juce Gali had been licensed by the Crown to draft documents. Muhammad Kushwandi (whom we will meet in chapter 5) and Musa al-Qurashi, on the other hand, appear to have worked unofficially as scribes and notaries. For names of some licensed notaries, see Blasco Martínez, “Notarios mudéjares,” pp.130–133.

50. This does not mean that notaries did not sometimes compromise. At one moment a notary would scrupulously cite al-Jaziri, aligning himself with Islamic legal tradition. The next, he could be forced to rework inheritance laws to pay the Crown the portion it claimed. We see, for instance, a Zaragoza Mudejar woman on her deathbed compelled to dictate her last will according to sunna and shari‘a as well as Christian law, the *fueros*. See Cabexudo Astrain, “Noticias y documentos,” p. 115 (dated 1519).

51. Many anecdotes survive of the reluctance expressed by scholars to assume juridical offices such as the qadiship. Corruption, low moral standards, but especially the dependency of the qadi on political authority were thought to compromise scholarly integrity. Sayings circulated, such as accepting the office of qadi was to “barter the world to come for this world,” to expose oneself to temptations of wealth and position. One early Maliki scholar went into hiding and was purported to have said, “Am I to appear on the day of judgment, my Lord, as a qadi? Never! Though I be severed by the shears.” See N. J. Coulson, “Doctrine and Practice in Islamic Law: One Aspect of the Problem,” *Bulletin of the School of Oriental and African Studies* (part 2) 18:211–226, here pp. 211–212.

52. For this section, I shall draw on both Aragonese and Valencian primary and secondary source data. Given that many intracommunal Mudejar conflicts played out in Christian courts, with faqihs mediating, an extraordinary high number of these cases survive in the archives. In some cases, the Arabic documents that were brought to bear on the case by Mudejar litigants are preserved in the Spanish archives as well.

53. See Catlos, *The Victors and the Vanquished*, pp. 240–242, for the importance of Arabic documents in Mudejar administration during the twelfth and thirteenth centuries. In the absence of much survival of Mudejar Arabic records during these centuries, Catlos points to indirect evidence in Latin charters that Arabic documents enjoyed official status. His confidence, however, that Mudejars were “the only ones empowered to draw up certain contracts between Christian and Muslim parties” (p. 241) may be misplaced and based on a literal reading of the *fueros*.

54. Royal officials in Valencia demanded that any conflict resolution mediated by faqihs be processed through the bailiff and the chief qadi of Valencia. The bailiff, in turn, delegated the assignment to the chief qadi. Local Christian offi-

cials and lords, however, frequently bypassed this chain of command and directly contacted respectable faqihs in their regions. See Meyerson, *The Muslims of Valencia*, pp. 184–224; and Febrer Romaguera, “Los tribunales de los alcaldies,” for the Mudejar judicial system under the Crown.

55. ARV Bailia 1147, fol. 222r.

56. ARV Bailia 1150, fol. 246r–247r (1448).

57. See García Marco, *Las comunidades mudéjares*, pp. 271–273 (document 27).

58. “Musa ibn ‘Ali al-Qurashi began reading with the book of Ibn Mugrit with Professor Ibrahim ibn Lubb ibn Abi Rabi’.” See BN Madrid ms. 5452/13; Hoernerbach, *Spanisch-Islamische Urkunden*, p. xxxiii (note 3); and my comments in chapter 3. Ibrahim ibn Lubb can also be found, in the capacity of notary, issuing a dowry contract in Arabic: Madrid (CSIC) Junta ms. 65, fol. 1, as listed in Ribera and Asín, *Manuscritos árabes y aljamiados*, p. 236.

59. ARV Bailia 1151, fol. 163r (1451) sets down the details of the case as presented by the lord of Carcer, lord of Antella, and the lady of Alquantera. The Crown’s battle with these lords on these inheritances was far from over, however. Three years later the Crown received the information on the inheritances of the Mudejars of Lombay and Algeziras that they had not received earlier because of the obstacles presented by the lords. See ARV Bailia 1151, fol. 707r (27/3/1453): “e honor Caat Xarami moro de la dita moreria [Algezira] sia prouenguda segons diu una herencia en lo loch de Lombay la qual per empaig que lo senyor e altres officials del dit loch li [sau] no pot hauer e [haia] affermat denant nos que moros del dit loch de Lombay han succehit e heretat bens de moros de la dita moreria e per semblant moros de la moreria de Algezira han succehit e heretat bens de moros del dit loch de Lombay.”

60. The record of such disputes in Aragon and Valencia is plentiful. For representative examples in Valencia, see ARV Bailia 1154, fol. 232, ARV Bailia 1151, fol. 126, and the numerous cases discussed by Ruzafa García in his “Patrimonio y estructuras familiares.” For representative case studies in Aragon, see Blasco Martínez, “Notarios mudéjares.” Of course, sadaq disputes were settled outside of Christian courts as well, although these conflicts are referred to only occasionally in the Spanish archives. In 1400, for instance, a group of Mudejars from outlying regions of Zaragoza, Terrer, and Ricla, along with almost all the Mudejars of the morería of Zaragoza, gathered at the old mosque to arbitrate a conflict between husband and wife. The wife, represented by her guardian Alí Ballestero, claimed her husband had not paid the *acidach* (dower) owed to her. See Macho y Ortega, “Condición social de los mudéjares,” p. 212.

61. 1450, case summarized by García Marco, *Las comunidades mudéjares*, pp. 195–196.

62. Ibid.

63. Blasco Martínez, "Notarios mudéjares," pp. 127–128 (doc. 3).

64. Romance transliteration of sadaq, glossed in the arbitration *carta publica de su matrimonio*.

65. See García Marco, *Las comunidades mudéjares*, pp. 261–262 (document 23).

66. ARV Bailia 1146, fol. 154v (11/12/1424). For this case Ali de Bellvis had consulted with another faqih, Yaye Alquiteni, and ruled that the marriage had been consummated and that Mahomat de Burgos be allowed access to the property that was stipulated in the sadaq.

67. ARV Bailia 1151, fol. 126v–128v (1450). The litigation entailed Axa's case being reviewed in two courts: "Lo dit honorable batle general, vistes dues sentencies donades, la una per lo honorable lochtinent de batle de la ciutat de Sogorb, e l'altra per lo lochtinent de alcadi del senyor Rey, per les quals se mostra pronunciar que dels bens de Amet Marran sia satisfet a Axa, sposada sua, del acidach e bens en la carta moristha del dit assidach contenguts." Axa was granted the contents of her *acidach*: "com los bens del dit Azmet son obligats a la restitucio del dit acidach, e consta los dits huycents sols esser de aquell dit Azmet, com dit es, declara que aquells sien lliurats a la dita Axa en paga porrata dels bens en la dita carta de acidach mencionats, o de la justa estimacio de aquells."

68. Conte Cazcarro, *La aljama de moros*, pp. 299–304.

69. The Marguán also worked with Jewish merchants. In 1442 Mahoma Marguán was designated as a procurator to strike an agreement with local Jews to resolve a long-standing disagreement between both communities. See Conte Cazcarro, *La aljama de moros*, p. 301, for both the 1442 and 1456 records.

70. Scattered evidence of Mudejar women writing in Arabic and aljamiado is intriguing, especially insofar as it has been argued that women constituted a major force in the defense of Islamic values and practices during the crypto-Islamic period in the sixteenth and seventeenth centuries. See Monter, *Frontiers of Heresy*, pp. 209–230.

71. See García Marco, *Las comunidades mudéjares*, p. 196 and note 301 for "Marién de Marquán"; and Conte Cazcarro, *La aljama de moros*, pp. 299–304, for the Marguán family.

72. Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 203–220 (doc. 16).

73. *Ibid.*, p. 203 (doc. 16).

74. *Ibid.*, pp. 318–325 (doc. 38).

75. See Catlos, *The Victors and the Vanquished*, p. 242, where he makes the point that Aragonese Mudejars, at an early administrative stage, must have seen the importance of maintaining internal archives. The motivations were several and would have included, according to Catlos, Christian inspection of individual charters of *franquitas* (claim for tax exemption) held by Mudejars.

76. Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 327–328, 331 (doc. 39b).

77. García Marco, *Las comunidades mudéjares*, p. 188.

78. Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 334–342 (docs. 40–41).

79. Admittedly, the second document does not mention the mule or any reasons for which the brothers went to arbitration. But the role of the Fréscano imam as arbiter suggests as much (the two brothers resided respectively in Borja and Cunchillos).

80. A Maliki manual on inheritance law was translated in the late fifteenth to early sixteenth century into aljamiado by Mudejars. See Sánchez Pérez, *Partición de herencias* for the aljamiado edition.

81. See Catlos, *The Victors and the Vanquished*, p. 242.

82. See Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 86–87, for a translation of ‘Abd Allah al-‘Abdusi’s fatwa as preserved in a twentieth-century collection of fatwas by Abu ‘Isa al-Mahdi b. Muhammad al-Khdir al-Wazzani al-Fasi (d.1342/1923). Al-Wazzani al-Fasi mentioned that al-‘Abdusi’s response to the question (concerning documents originating in dar al-harb) could be found in the *nawazil* of Ibn Tarkat (Granada, fifteenth century). I located the fatwa in this *nawazil*, BN Madrid ms. 5135, fols. 71v–72r, as well as another fifteenth-century copy of the fatwa in an Escorial manuscript, Escorial ms. 1096, that contains an anonymous compilation of fatwas by a fifteenth-century Granadan jurist. BN Madrid ms. 5135 includes a brief introduction by Al-‘Abdusi to his fatwa, which was not included in al-Wazzani’s compilation.

83. See Monter, *Frontiers of Heresy*, pp. 212, 216–217; and the epilogue, this volume.

84. See Tyan, *Le notariat et le régime de la preuve*, p. 13, for the reasons why legal documents tend not to be registered or preserved in Islamic societies.

5. Pretending to Be Jurists

1. M. de Epalza, “Dos textos moriscos bilingües (árabe y castellano) de viajes a Oriente (1395 y 1407–12),” *Hespéris-Tamuda* 20 (2) (1982–83), p. 63, (Arabic: lines 197–200.)

2. Ibn al-Jallab al-Basri (d.1007) wrote the *Kitab al-tafrī‘ fī’l fiqh*, a methodical and comprehensive treatment of Maliki jurisprudence. Both Ibn Abi Zayd al-Qayrawani (d. 996)’s *Risala* and a legal commentary on the *Risala* by al-Fahhar al-Judami’s (d.1323) were also popular among the Mudejars. See chapter 3, notes 4 and 72 for circulation of these texts among the Mudejars.

3. Wilhelm Hoenerbach, *Spanisch-Islamische Urkunden aus der Zeit der Nasriden und Moriscos* (Berkeley, University of California Press, 1965) generally and, more recently, *L.P. Harvey Muslims in Spain: 1500 to 1614* (Chicago 2005), p. 155.

4. In his ruling over a botched divorce case in which the husband had remarried without proper annulment, al-Mawwaq remarked that he was not surprised that this problem had occurred among the Mudejars. They were “far from knowledge,” he observed, adding that “in the land of the infidel, there was ignorance over many more [things] than this. Al-Mawwaq then judged that their testimonies were prohibited and that they should be disciplined. See Madrid CSIS ms. Junta 64, fols 1–2.

5. See chapter 1, note 24.

6. In contrast to the Maliki position was the Shafi’i jurists’ argument that ignorance could stand as a valid excuse for residence under non-Muslim rule. See Abou el Fadl, “Islamic law and Muslim Minorities,” p. 173.

7. Historians using Christian sources point this out repeatedly; in fact, the Spanish court records documenting criminal litigation form the basis of valuable studies on intracommunal Mudejar violence and feuding. It has been generally accepted that criminal law was for the most part administered by Christian officials, and that this, along with the fact that Christian courts serve as a higher court of appeals for the Mudejars, undermined the authority of the Mudejar qadi. How the faqih over the years responded to, or countered, this dilution of power is what this chapter explores.

8. See chapter 3, pp. 60, 63–69, 71–76, and chapter 4, pp. 90–91, 94–97, 100–102, on these texts.

9. Abou el Fadl introduces his thesis as a “problem of authority.” Relevant to our purposes, he underscores the role of human agents, particular those who claim to be religious scholars, in brokering Islamic authoritative texts: “Since the Islamic text is mediated through human agents, it would make little sense to speak of an authoritarian text. Rather, it is the human agent who would transform the authority of the Islamic text into human authoritarianism. The agent takes the authoritativeness of the instructions and produces himself as authoritarian. . . . Such a person could claim to be an authority vis-à-vis others because of his expertise and special competence in deciphering the Divine Will. . . . Fundamentally, authoritarianism is an act of abuse of authority and a betrayal of the trust that is placed by others in the authoritative agent.” Khaled Abou el Fadl, *And God Knows the Soldiers: the Authoritative and Authoritarian in Islamic Discourses* (Lanham, Maryland, 2001), pp. 33–34.

10. Khaled Abou el Fadl highlights this very problem for modern Muslim minorities, offering an instructive anecdote about an American Muslim basketball player who chose not to observe the national anthem. The public outcry on both sides of the issue was extraordinary. However, once local scholars weighed in and started citing the Qur’an and jurisprudence (out of context), the discussion fell silent. The import of authoritative texts was deafening, but, as Abou el Fadl points out, the authoritative text was being manipulated and misused. Abou el Fadl

underlines here the dangers of legal chaos, of multiple legal systems cohabiting, of misuse of authoritative sources, of the lack of knowledge of how to use these sources. He also points to the great interest among ordinary Muslims in these controversial issues. Khaled Abou el Fadl, *And God Knows the Soldiers*, pp. 43–82.

11. Ibid., pp. 67–69.

12. BN Madrid ms. 18585/42. Unfortunately, the lack of sources for the North African “popular” view of the Mudejars does not allow here an assessment of the influence of the elite formulation on general attitudes, but the hierarchical language of *‘alim* and *jahil* (learned and ignorant) would have been both familiar and plausible to most Muslims.

13. On this ethos, particularly associated with medieval ‘ulama’, see Muhammad Qasim Zaman, “The Scope and Limits of Islamic Cosmopolitanism and the Discursive Language of the ‘Ulama’,” in M. Cooke, B. Lawrence eds, *Muslim Networks from Hajj to Hip Hop* (Chapel Hill, 2005), pp.84–104, and Abou el Fadl, *And God Knows the Soldiers*, pp. 111–115.

14. On traveling Mudejar scholars, see chapter 3; L.P. Harvey, “The Moriscos and the *hajj*,” *British Society for Middle Eastern Studies Bulletin* 14 (1988), pp. 11–24. A fascinating autobiographical account of a Granadan Muslim who traveled the Islamic Mediterranean in the fifteenth century and then returned home to write about it from the perspective of a Mudejar is preserved in an unedited Arabic manuscript in Tunis. For a discussion of the text and its context, see F. Franco Sánchez, “Los mudéjares según la rihla de Ibn as-Sabbah (m. después 895/1490),” *Sharq al-Andalus* 12 (1995), pp. 375–391.

15. *The Travels of Ibn Battuta (A.D. 1325–1354)*, ed. H.A.R. Gibb et al, (Cambridge, Cambridge University Press, 1971), vol. iv, pp. 840–841.

16. César E. Dubler, ed. and trans., *Abu Hamid el granadino y su relación de viaje por tierras eurasiáticas* (Madrid, 1953), p. 28 (Arabic text) and p. 66 (Spanish translation). And for some examples of Abu Hamid’s idiosyncratic advice and interventions, see Berend, *At the Gate of Christendom*, pp. 237–241.

17. For two Aragonese examples, see note 65.

18. See examples in chapter 4; BN Madrid ms. 5452/4 (on marriage) and BN Madrid ms. 5452/5 (on the validity of testimony).

19. Muhammad bin ‘Abbad al-Rundi, *Rasa’il al-Kubra* (lithograph, Fez 1320), p. 20. This is part of a larger argument made by Ibn Abbad on a contemporary trend to compile summas. The Mudejars were invoked as an example of what such abbreviations of canonical jurisprudence might lead to. The *Muwatta* is the classic compendium of the Maliki school.

20. Some of these rulings are also found in later North African *nawazil* compilations, such as al-Wansharisi’s *Mi’yar*. In fact, al-Wansharisi complained that fatwas were scattered and that he was having trouble gathering them from private

hands for his compilation of the *Mi'yar*. In his preface to the *Mi'yar*, he writes: "In it [the *Mi'yar*], I have assembled responses [issued by] modern and ancient [scholars]. Those which are the most difficult to find in their sources and to extract from their hiding places on account of their being scattered and dispersed and because their locations and the access to them are obscure." See David S. Powers, *Law, Society, and Culture in the Maghrib, 1300–1500* (Cambridge, 2002), p. 6.

21. For convenience here, we will follow Brinkley Messick's categorization of fatwas into "great" and "small," which distinguishes between fatwas that involve legal interpretation, and fatwas that are more direct and simple, intended as guidelines and easily obtainable answers on which the mufti simply placed his stamp of approbation. For Messick, "despite their pedigree, these local [small] *fatwas* have no greater ambition than to contribute to the regulation of the practical affairs." See his *The Calligraphic State: Textual Domination and History in a Muslim Society* (Berkeley, 1993), pp. 149–150.

22. The fatwa is copied onto the last folio (fol. 85) of BN Madrid ms. 5015/36; it was published in Hoenerbach, *Spanisch-islamische Urkunden*, pp. 266–270. Most of BN Madrid ms. 5015/36 was copied by Muhammad al-Arqam (Calatorao, Aragon) in 1437 but the fatwa was not.

23. Whether the goods should be confiscated and given to the public treasury is one part of the question. BN Madrid ms 4881 (fols. 255v–257r). This same fatwa was included by al-Wansharisi in his *Mi'yar*. See *Kitab al-Mi'yar* vol. 6, pp. 142–143.

24. BN Madrid ms. 4881 (fols. 170v–171r).

25. See Madrid (CSIC): ms. Junta 64 (1) for the small collection of fatwas issued by al-Mawwaq traced to Mudejar possession, most probably that of Musa Calavera.

26. The colophon is reproduced in J. Ribera y Tarragó, *Disertaciones y Opúsculos*, vol.1 (Madrid, 1928), p. 351. The Arabic manuscript has been since lost, but based a second reference to the text in the late nineteenth century, it is possible to identify the author of the fatwas, which were copied by Abu 'Abd Allah Muhammad b. Ibrahim 'Abd Allah Shabatun. See Gerard Wiegers' discussion of the lost manuscript and his identification of the mufti as a fourteenth century Granadan savant. Gerard Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 78–79.

27. "Here finishes this text, may God bless etc. The completion occurred in the madrasa build by Muslims in the town of Zaragoza . . . dated 19th of June of the year 851 by the hand of the servant to the poor for his teacher al-Rahi. Pardon and give indulgence to his student Abu 'Abd Allah." See Julian Ribera y Tarragó, "La enseñanza entre los musulmanes españoles," in *Disertaciones y Opúsculos*, vol. 1, p. 235.

28. Cf. L. P. Harvey, "The Moriscos and the *haji*," *British Society for Middle Eastern Studies Bulletin* 14 (1988), pp. 11–24.

29. BN Rabat ms. D 3738. This Mudejar scribe also copied the same legal compendium of Abu' l-'Abbas Ahmad b. Khayr al-Saraqusti from Tortosa (see note 57).

30. See note 30, for a legal deliberation among the local leadership of Avila and regional faqihs.

31. For the questions dispatched from Aragonese Mudejars to Ibn Miqlash and al-Haffar, see chapter 1 and chapter 3, pp. 32 and 36 and pp. 72–73.

32. See below, chapter six at pp. 141–142. P. S. van Koningsfeld and G. A. Wieggers, “Islam in Spain during the Early Sixteenth Century: the views of the four chief judges in Cairo (Introduction, translation and Arabic text)”, in *Orientations: Poetry, Politics and Polemics. Cultural Transfer between the Iberian Peninsula and North Africa.*, eds. Otto Zwartjes, Geert Jan van Gelder and Ed de Moor, pp. 133–152, here 139–140.

33. See note 31.

34. Religious scholars discussed for centuries the notion of “manifest Islam” owing to its inherent ambiguity. The debate revolved around the distinction between a Muslim exercising good sense in a dangerous situation and his desire to practice his faith publicly, a discussion that generated divergent interpretations of the status of Muslims living under non-Muslim rule. See Khaled Abou el Fadl, “Islamic Law and Muslim Minorities.” *Islamic Law and Society* 1 (1994), pp. 152 and 178–179.

35. In his fatwa, al-Wahrani elaborated on the specific ways in which the Mudejars could fulfill the obligations of *‘ibadat* without endangering their lives, and pointed to specific rituals that could be dispensed with legally. For instance, in regard to prayer, a Mudejar may “perform the prayer, if only by a mere nod” and he can “perform the prayer at night instead of during the day.” If the Christians force the Muslims to break their fast or eat pork, Al-Wahrani recommends to bear with it outwardly: “if they place pork in front of you, eat it, inwardly rejecting it and acknowledging its prohibition.” L. P. Harvey, “Crypto-Islam in sixteenth-century Spain,” in *Primer Congreso de Estudios Arabes y Islámicos* (Cordoba, 1975), pp. 163–185.

36. L. P. Harvey, “Crypto-Islam in sixteenth-century Spain,” in *Primer Congreso de Estudios Arabes y Islámicos* (Cordoba, 1975), pp. 163–185, p. 175 (Arabic text).

37. For a scandalous case of one Mudejar not returning from the *hajj* and putting his relatives in financial jeopardy, see Manuel Ruzafa García’s “Els orígens d’una família de mercaders mudéjars en el segle XV: Caat Ripoll (1381–1422),” *Afers* 7 (1988–1989), pp. 187–88. Also see Kathryn A. Miller, “Negociando con el infiel. La Actividad mercantil musulmana en la España cristiana,” in *El Mediterráneo medieval y renacentista, espacio de mercados y de culturas*, ed. Jaume Aurell (Pamplona, 2002), pp. 213–232.

38. See chapter 1, notes 48 and 61. This was a question submitted to al-Haffar concerning whether a Mudejar could emigrate to dar al-Islam, despite the fact that he was leaving behind his wife and an unpaid sadaq. Ultimately al-Haffar ruled that the Mudejar husband had to pay.

39. For a colorful case of both Valencian and Granadan *faqih*s expressing their indignation at the scandalous behavior and legal incompetence of one Mohamat Haig, a local Valencian *faqih* and notary, see *Cartes Communes*: x-25 (1454): fols. 81r-81v. Mohamat was accused of drawing up “malas cartas” and drafting multiple marriage contracts for his daughter’s marriage. Local *faqih*s and *faqih*s from nearby Granada leapt into the fray, with emotions escalating on all sides, so much so that the Count of Concentainya was called upon to negotiate a solution. This Christian lord subsequently ushered in an important *qadi*—“the best and most honorable man and truthful and knowledgeable *qadi* of great fame renowned in all of this Kingdom”—to settle the matter according to *sunna* and *shar‘a* and to placate all factions involved.

40. This *faqih* sought approval of his opinion of two *faqih*s, Abu ‘l-‘Abbas Ahmad b. ‘Imran, from Valladolid (Castile) and a second *faqih* identified as Ibrahim b. ‘Ali b. Farash Ruy Díaz, servant of a mosque in Burgos (Castile). As stated by Wiegiers, the transcription is unclear (“b.rgh.sh”) and the original manuscript text has not survived, except for a summary published by F. Fernández y González, *Estado social y político de los mudéjares de Castilla* (Madrid, 1866), pp. 393–394 (see G. Wieger’s discussion in his *Islamic Literature in Spanish and Aljamiado*, p. 82). It may be, however, that this *faqih* was from Borja (rather than Burgos) in Aragon. We have evidence of *faqih*s named Ruy Díaz in Aranda, a heavily Mudejar populated Aragonese town not far from Borja, in the mid and late-fifteenth century—a generally accepted estimate of when the above fatwa text was written. An Arabic manuscript fragment I discovered refers to two *faqih*s from Aranda who can be identified as Ruydiaz (see chapter 6). F. Javier García Marco, in his study of the Mudejars of the Calatayud region, cites the records of two *faqih*s, “Avdalla Ruydiaz” and “Mahoma Ruydiaz,” also from Aranda. See his *Las Comunidades Mudejares de Calatayud en el siglo XV* (Calatayud, 1993), specifically p. 363 and my comments in the next chapter, pp. 136–137, note 30. If we suspect that Ibrahim b. ‘Ali b. Farash Ruy Díaz is either from Aranda himself or can be associated with *faqih*s in Aranda, we are in the presence of an interesting translocal network of legal consultation between the *faqih*s of Castile and Aragon.

41. Francisco Fernández y González, *Estudio social y político de los mudéjares de Castilla* (Madrid, 1866), pp. 393–394, published a summary of the fatwa (the original manuscript is no longer extant). See Harvey, *Islamic Spain*, pp. 62–63, for the English translation.

42. Janina M. Safran, "Rules of Purity and Confessional Boundaries: Maliki Debates About the Pollution of 'the Christian,'" *History of Religions* 42 (2003), pp. 197–212.

43. A Mudejar from Ricla copied such a fatwa BN Madrid ms. 4881: 255v–257r, see note 44 as well.

44. This is the eleventh question posed by the Mudejars: BN Madrid ms. 4950 (fol. 235v). A particular good example of how comparatively rich Christian sources are is found on the subject of meat markets. See Nirenberg, *Communities of Violence*, pp. 169–172, for the regulation of meat markets, joint meat markets, monopolies, and the manipulation by market actors as well as the Crown of Aragon. On the other hand, we do not know what discussions Mudejar *faqih*s had amongst themselves concerning the supervision of Islamic dietary laws in a marketplace visited by Muslims, Christians, and Jews.

45. We see today, for instance, the *imams* in Brooklyn struggle to mediate between their traditional background (educated in Cairene mosques for instance) and the needs of their modern New York community. Muslim leaders will, arguably, broker not only according to their communities' needs but according to their own self-perception as brokers—whether they believe they have the authority, for instance, to adapt Islamic norms. An *imam* raised in Egypt, transplanted to Brooklyn, will necessarily have a sense of what Islamic norms can be or should be adapted. He may have a distinct vision of what the root traditions are that should not be modified or adapted. A homegrown Brooklyn *imam* may have a very different notion of the degree to which Islamic tradition can be adjusted. A series of articles on such challenges faced by an American *imam* in Bay Ridge Brooklyn is found in *The New York Times*: March 5, 2006, March 6, 2006, and March 7, 2006.

46. As Mancebo of Arevalo wrote: "If the heart of the matter is missing, and that is the summons to prayer, no good deed will be acceptable [to Allah], and the things we suffer here below are no more than a short rest before the life to come. However, where there are no good deeds, there would be no exchange of excellence. This led on to many disagreements and discussion concerning sins and other debts we owe, past and to come," in Harvey, *Muslims in Spain*, p. 181.

47. Judging by the texts submitted by the Aragonese Muslims to al-Haffar and Ibn Miqlash as well, the regulations and performance surrounding ritual prayer was a common concern.

48. Harvey, *Muslims in Spain*, pp. 189–90.

49. See chapter 1, p. 31.

50. For Ibn Rabi's critique of the illegitimate *ijtihad* of the Murcian scholar, see chapter 1, pp. 30–31.

51. Wilhelm Hoenerbach, "Cuatro documentos mudéjares originarios de Cataluña y de Levante," *Homenaje al Profesor Dario Cabanelas Rodríguez, con motivo*

de su LXX aniversario (Granada, 1987), pp. 369–379. See also his “El Notariado Islamico y el Christiano: estudio comparativo,” *Cuadernos de Historia del Islam* 11 (1984), pp. 103–136. Mercedes García-Arenal, “Documentos arabes de Tudela y Tarazona,” *Al-Qantara* III (1982), pp. 27–72, also makes this point.

52. Alfonso Carmona González, “Consideraciones sobre la pervivencia de la jurisprudencia andalusi en las épocas mudéjar y morisca,” *Actes du Ve Symposium International d’Études morisques* (Zaghouan, 1993), pp. 216–217.

53. Iça warns Juan de Segovia of this when he and Juan were discussing the possibilities of both translating and interpreting the *Qur’an*. See Gerard Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 100–104.

54. Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 104–105. This passage, addressed to a Mudejar audience, was included in Iça’s introduction of his *Breviario Sunni* which he composed in 1462.

55. Anwar G. Chejne, *Islam and the West: The Moriscos, a Cultural and Social History* (Albany, 1983), p. 49.

56. See chapter 1, pp. 36–37, 40–41, and the convenient survey of classical to modern meanings by Felicitas Opwis, “*Maslaha* in Contemporary Islamic Legal Theory,” *Islamic Law and Society* 12:2 (2005), pp. 182–223, with bibliography.

57. Junta ms. 45 (fols. 30–65). This text, compiled by the qadi of Tortosa Abu l-‘Abbas Ahmad b. Khayr al-Saraqusti entitled *kitab fihi ma‘ani l-ahkam wa l-sunan mu‘allafa min kutub jumma* (“A book containing the sense of legal judgments and established practices compiled from a number of volumes”), and copied AH 834/AD 1431 by Muhammad b. ‘Ali from Cosuenda (al-Kushwandi), remains unstudied. This is unfortunate because it may, in fact, be a unique Mudejar compilation of Maliki law in Arabic, and could disclose more about what the Mudejars studied and practiced of Islamic law locally in Aragon. The author, the *qadi* of Tortosa, remains unidentified. Another copy of al-Saraqusti’s compilation was made by an Aragonese scholar in the Ebro Valley in 1520. It is preserved in the Bibliothèque Nationale in Rabat, Morocco (BN Rabat, ms. D 3738).

58. Madrid (CSIC): ms. Junta XLV (fol.1). I identified this siyaqa as originating from the wath‘iq of Ibn Salmun (Abu Muhammad b. Salmun al-Kinani) of Granada who died in 1365. His notary manual was widely used by faqihs in Granada, as were those of al-Jaziri and Ibn Mughit. The use of their manuals by Mudejars is treated below in the section on notaries. Hoenerbach publishes a later siyaqa document dating to 1507 and originating in Calatayud. See his *Spanisch-Islamische Urkunden*, pp. 181–184 (doc. 11) as well as Alfonso Carmona’s analysis of this siyaqa in his “Consideraciones sobre la pervivencia de la jurisprudencia andalusi en las épocas Mudejar y Morisca,” in *Actes du Ve Symposium International d’Études morisques sur le Ve Centenaire de la Chute de Grenade 1492–1992* (Zaghouan, 1993), p. 219.

59. The colophons indicate that Muhammad al-Kushwandi collaborated with Muhammad al-Arqam in copying these three texts. The first text (fols. 1–60) is an anonymous mystical treatise, the second (fols. 61–83) consists of various commentaries on hadith by Abu Muhammad ‘Abdallah ibn Qutaybah al-Dinuri, and the third (fols. 84–93) is the first section of a tractate on the birth of the Prophet Muhammad by Abu ‘l-‘Abbas Muhammad ibn Ahmad al-Lakhmi as-Sabti ibn al-‘Azafi (633/1256). For the colophons, see Madrid (CSIC): ms. Junta X (fols. 60b, 83b, and 93a), J. Ribera and M. Asín, *Manuscritos árabes y aljamiados de la Biblioteca de la Junta* (Madrid, 1912), pp. 53–56, and P.S. Van Koningsveld, “Andalusian-Arabic manuscripts from Christian Spain: A Comparative Intercultural Approach, p. 96 (27).

60. Madrid (CSIC): ms. Junta XLV (fol. 69v).

61. See above, p. III–II4.

62. Precisely what sort of abuse that Muhammad al-Kushwandi was trying to curb would be hard to determine, however. In Islamic society, we do find situations that called for fatwas to be verified but these seem to be intended to prevent abuse or the circulation of copies of inauthentic fatwas. A case of where a fatwa was verified can be found in al-Wansharisi’s *Mi‘yar*, vol 7, p. 24. I thank David Powers for this reference.

63. This is one of the main points Khaled Abou el Fadl makes in his *God Knows the Soldiers*. The abuse of *istifta’*, or the traditional criteria that was established for and by legal scholars issuing fatwas, results in a misrepresentation and misuse of authority. Abou el Fadl points to the misuse of fatwas as an example of the authoritarianism that relaxed standards can lead to, but he also extends his argument to other genres and authoritative texts as well.

64. The virtual absence of traces of more Mudejar fatwas is not surprising. First of all, it is probable that Mudejars treasured rulings from dar al-Islam and accorded them greater authority. Second of all, since ultimately Muslim communities in Spain were dissolved or expelled, and since Inquisition officials destroyed Arabic documents indiscriminately, the a priori chances of survival for Mudejar fatwas, which would have been kept by individuals or institutions, is quite low. One fatwa was issued by a Salamat al-Umawi, who may have been a Mudejar. This concerns the right of a seller to withdraw from a business contract. Al-Umawi clearly had at his disposal authoritative texts of law, including texts by Ibn Rushd, the well-known *qadi* ‘Iyad, and Ibn Mughit. For the Arabic text and German translation, see Hoenerbach, *Spanisch-islamische Urkunden*, pp. 266–270 (doc. 26). We know little about this *faqih*, or when he lived, although the name of al-Umawi is found in the area of Huesca; see A. Conte Cazcarro, *La aljama de Moros de Huesca* (Huesca, 1992).

65. F. Javier García Marco, *Las Comunidades Mudejares de Calatayud en el siglo XV* (Calatayud, 1993), p. 275 (doc. 29). Another example of Mudejar faqihs working behind the scenes to discourage conversion might include the case of a newly converted Christian (neophitus). In 1383, Bernat Cortit was refused his inheritance by his father-in-law and his Muslim wife, and was compelled to ask for royal protection in order to visit his former home unmolested, for his Mudejar neighbors had sequestered his children and refused him entrance to the morería. In another case, the Muslim family of Caterina, a young Mudejar convert to Christianity, denied her a bequest from her grandmother. The family's efforts to withhold the inheritance were thwarted when Caterina turned to the royal court, but clearly the family did not shy from declaring that Caterina was no longer a legal person under Muslim law. One can easily imagine Mudejar *faqihs* working behind the scenes in both these cases. See, respectively, Josefa Mutge I Vives, *L'Aljama Sarraïna de Lleida a l'Edat Mitjana* (Barcelona, CSIC Institució Milal Fontanals, 1992), p. 365 (doc. 185–186) and Mark Meyerson, *Muslims of Valencia*, p. 53.

66. David Powers and others have shown that in Islamic society in North Africa, what muftis did when they disagreed with a ruling by an “inferior” faqih is to write a counter fatwa, spelling out the weaknesses of the previous mufti's argument. In turn, Taqi al-Din al-Subki (d. 1355) raised the issue of whether weak fatwas should even be pointed out by jurists, thereby making them publicly known and risking a general public's uncritical acceptance: *Islamic Legal Interpretation: Muftis and Their Fatwas*, edited by Muhammad Khaled Masud, Brinkley Messick, David S. Powers, (Cambridge, 1996)

67. Madrid (CSIC), Junta XLV (fols. 30–65r)

68. Madrid (CSIC), Junta XLV (fol. 65v).

69. Mudejars had the right to appeal and often did so. Most historians strongly state that this was the ultimate reason that the authority of faqihs and qadis were undermined.

70. Major shifts in lordship occurred within the jurisdiction of Calatorao putting the office of qadi in considerable flux. See Encarnación Marín Padilla, “Los Moros de Calatorao, lugar Aragonés de Senorío, en los siglos XIV y XV,” *Al-Qantara* ix (1988), pp. 249–295.

71. We've seen this recently, for instance, in Madrid, when all the local Spanish Muslim scholars signed their name to a fatwa disapproving of the Madrid bombing.

72. Theoretically, Muslims could approach other muftis for second and third opinions if they were not satisfied with the initial ruling. See David Powers, in his *Law, Society, and Culture in the Maghrib*, p. 95ff, for a particularly complex case of conflicting interpretations.

6. *The Scholar's Jihad, the Mudejar Mosque, and Preaching*

1. Al-Ghazzali, *Fi ihya' 'ulum al-din* (Cairo, 1967–68), 2:313.12, as cited and translated by Cook, *Commanding Right and Forbidding Wrong*, p. 445.

2. For more on Granada's call to martyrdom and jihad, see Celia del Moral, "La literatura del periodo nazari," in Concepción Castillo Castillo, ed., *Estudios nazaries* (Granada: Universidad de Granada, 1997), pp. 29–82; Viguera Molins, "Fuentes árabes"; Carmona González, "La frontera."

3. I cite here the English translation in Harvey, *Islamic Spain*, pp. 59–60, of the Arabic manuscript first published in Ribera and Asín, *Manuscritos árabes y aljamiados*, pp. 259–260. Hoenerbach also published the Arabic with a German translation in his *Spanisch-Islamische Urkunden*, pp. 390–393 (doc. 59).

4. Hoenerbach, *Spanisch-islamische Urkunden*, p. 391; see Harvey, *Islamic Spain*, p. 58, for the English translation, to which I have made some minor changes.

5. Miller, "Muslim Minorities and the Obligation to Emigrate," pp. 284–285.

6. BN Madrid ms. 4950 (fol. 227v).

7. Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: Johns Hopkins University Press, 1955), p. 56, citing Ibn Hazm's *Kitab al-Fasl fi al-Milal wa'l-Ahwa' wa'l Nihal* (Cairo, AH 1321), 4:135; and Ibn Rushd's *Kitab Muqaddima al-Mumabhidat* (Cairo, AH 1325), 1:259, with its well-known formulation that divides jihad into four kinds: "jihad by the heart, jihad by the tongue, jihad by the hand, and jihad by the sword."

8. "A Translation of Extracts from the *Kitab al-Jihad* of 'Ali ibn Tahir al-Sulami (d. 1106)," trans. Niall Christie (<http://www.artS.cornell.edu/prh3/447/texts/Sulami.html>). The Arabic text, with a French translation, may be found in Emmanuel Sivan, "Un traité damasquin du début du XIIIe siècle," *Journal Asiatique* 254:206–222.

9. For biographical references to Ibn 'Ubayd, see Cook, *Commanding Right and Forbidding Wrong*, pp. 382, 387, 487, 500.

10. For an in-depth discussion of the scholar's relationship to the Islamic ethic of "commanding good conduct and forbidding the wrong," see *ibid.*, pp. 476 (especially note 44), 487–490, 500.

11. Hoenerbach, *Spanisch-islamische Urkunden*, pp. 264–265 (doc. 25).

12. See García Marco, "El Papa Luna y los mudéjares de Aragón," and Javier Peña Gonzalvo, "Mahoma Ramí, arquitecto de Benedicto XIII," in *VI Centenario del Papa Luna: Jornadas de estudio* (Calatayud-Illueca, 1994), pp. 95–112 and 299–316, respectively. Between 1403 and 1409 Mahoma Ramí, along with an intersectorian team of artisans, architects, laborers, supervised the rebuilding of the fallen dome of La Seo Cathedral del Salvador in Zaragoza (also known as Catedral del Salvador or Cathedral of the Savior) and the reconstruction of the Romanesque apses and supporting towers. The cathedral was built on top of a former Moorish

mosque, like numerous other Aragonese churches, such as Santa María Colegiata (also known as Santa María de Mediavilla) in Calatayud. Mahoma Ramí also directed the restoration and renovation of the Church of San Pedro Martir in Catalayud in 1414.

13. Mudejar cooperation with their Christian lords extended to fighting in Aragonese armies, especially in the fourteenth-century wars against Castille. And see Brian Carlos's comments in his recent discussion of Mudejar ethnogenesis and *conveniencia*, *The Victors and the Vanquished*, p. 407.

14. See ACA, C.R. 2336, f. 47r-v as cited by Conte Cazcarro, *La aljama de moros de Huesca*, p. 362.

15. This legislation was alternatively rescinded and revived throughout the fourteenth and fifteenth centuries. Estaban Sarasa Sánchez, *Sociedad y conflictos sociales en Aragon (siglos XIII–XV)* (Madrid: Siglo XXI, 1981), p. 216. Maria Teresa Ferrer i Mallol, *Els sarraïns de la Corona*, pp. 324–326 and 369–370, for royal restrictions against prayer. Also Barceló Torres, “Las cartas árabes de Vila-Real,” provides background on mosque legislation for the thirteenth and fourteenth century; as does Meyerson, *The Muslims of Valencia*, pp. 43, 219, and 285, for official bans on prayer in fifteenth-century Valencia.

16. Some Mudejar scholars, particularly those in rural areas, took advantage of the little leverage they had by pressing for specific rights. They might also gain, for example, immunity from taxation, making certain that their lords included the clause in the *contrato de vasallaje*. Pilar Pérez Vinuales, “Contratos de vasallaje,” p. 136.

17. Francisco Macho y Ortega, in his study of Aragon, gives us of list of mosque possessions as recorded by royal officials. See his “Condición social de los mudéjares aragoneses,” pp. 197–198.

18. Meyerson, *The Muslims of Valencia*, p. 52. Meyerson also cites a case wherein the king, not wanting to upset the local Muslims, encouraged a young Mudejar who wanted to convert to Christianity to seek his parents' approval before doing so.

19. But see Augustine Thompson, *Cities of God: The Religion of Italian Communes 1125–1325* (University Park: Pennsylvania State University Press, 2005) on civic business in Italian cathedrals.

20. An exception may be the energetic Vincent Ferrer, whose proselytizing efforts at the beginning of the fifteenth century intruded conspicuously on the status quo.

21. The Christian disinterest in what the Mudejars preached shifted markedly toward the end of the fifteenth century as the Inquisition gained hold and Granada was besieged by Christian forces. Local Christians feared a Mudejar fifth column of resistance, whose backbone and promoters would have been the faqihs in their mosques.

22. Although they are in very poor condition, several Arabic documents survive that list goods offered by Mudejars to the mosque. Madrid (CSIC) Junta ms. 68 preserves seven folios in Arabic and Madrid (CSIC) Junta ms. 70 preserves twelve folios in Arabic, dated Calatorao 1398. More information concerning the mosque holdings (the *waqf*) and their management by the imams, and even the physical upkeep of the building, would be welcome. Such material would tell us the scope of the *imams'* authority, for example, or about Mudejar charities and the social services they provided for the community (which will be examined in the next chapter).

23. An Arabic-language record of the salary paid to a faqih hired specifically for Ramadan prayers and rituals survived from as late as 1515. Fernández y González, *Estado social y político*, p. 422.

24. A fifteenth-century mosque was recently discovered in Calatorao, one of the few surviving structures of the late Mudejar period that has been identified as such. (Muhammad al-Kushwandi seems to have copied, or composed, his texts in this mosque as well.) To date I have found no scholarly publications on this recent discovery, with the exception of a local newsletter, "Calatorao redescubre su mezquita mudéjar," in *El 4 Espacio: Revista de la Diputación de Zaragoza* (Winter 2005), pp. 22–23. <http://www1.dpz.es/prensa/elcuartoespacio/2005/numero4/num4pg12lpdf>.

25. Madrid (CSIC) Junta ms. 10, as cited in Van Koningsveld, "Andalusian Arabic Manuscripts from Christian Spain," p. 96. Muhammad al-Arqam copied hadith, mystical and devotional literature, in 1443, with another faqih, Muhammad al-Kushwandi, whom we have already met. See chapter 5, note 59.

26. BN Madrid GR 5015/36. On the circulation of al-Judhami among the Mudejars, see chapter 5. See also Wiegers, *Islamic Literature in Spanish and Aljamiado*, p. 63.

27. BN Madrid ms. GR 5015/36 (fol. 1).

28. BN Madrid ms. (GR) 5015/36.

29. This document has attracted scholarly attention because it was found in the notarial archives of Zaragoza; the canons of the local Church of Santa María la Mayor had requested that Muhammad draft a document in Arabic legitimizing his procuratorship (the equivalent of power-of-attorney for the community) for the purposes of transferring a loan from the aljama of Calatorao to the church treasury. One possible reason for the transfer as well as the relative largess of the loan is discussed by Marín Padilla, "Los Moros de Calatorao," pp. 194–195. For the transcription and translation of the Arabic contract, see Ana Labarta, "La aljama de los musulmanes."

30. RAH Gayangos ms. 31: fol. 1. These Mudejars were Muhammad al-Mahda (or Almahadi), Ibrahim Redes (or Ruydiaz), Ibrahim Alawayi, Muhammad Hiyaq,

Abdallah Redes (Ruydiaz), and Yusuf al-Mahda. It was arranged that one faqih would occupy the spot for the month of Ramadan or for 'Id festivities. Liturgical rotation suggests the regularity with which Mudejars observed the celebration of 'Id after Ramadan and other feasts of the Islamic calendar. According to García Marco's documents, Brahem de Muça, Juce Almahadi. Avdalla Ruydiaz, and Mahoma Ruydiaz lived in Aranda and its environs and served as faqihs in the second half of the fifteenth century. See García Marco, *Las comunidades mudejares*, pp. 340 and 363. As mentioned previously, an Ibrahim b. 'Ali b. Farash Ruy Díaz can be found discussing the legal ruling on prayer on slaughtered animal skins with faqihs in Avila and Valladolid (Castille). If he was a member of this Ruy Díaz Aragonese family, we have another intriguing element of the Aragonese-Castilian scholarly network operative in the latter half of the fifteenth century. See chapter 5, note 40.

31. García Marco, *Las comunidades mudejares*, p. 119. Almost 50 percent of the population were Muslims, second only to the town of Villafeliche. Located northwest from Calatorao and Savinan, and directly north of Calatayud and Terrer, the town was located not far from the Castilian border. Aranda had 96 "fuegos," or households, whereas the Christians numbered 109 fuegos. In contrast, Terrer had 68 (55 percent of the total population) and Villafeliche 197 (75 percent the total population).

32. This polemic, originally composed in Huesca (Aragon) in AD 1361 (AH 762), was clearly popular among Aragonese Mudejars for it was translated comparatively early from Arabic into aljamiado, allowing for wider distribution and readership. See Kassir, "A Study of a Fourteenth-Century Polemical Treatise."

33. See Gerard Wieger's discussion of the dating of aljamiado versions of Mudejar polemical texts, including the *Ta'yid al-Milla*, to the fourteenth century, *Islamic Literature in Spanish and Aljamiado*, pp. 63–66.

34. "Pasqua de Carneros," or slaughtering of the lamb, according to the Christian records. It was agreed that assignment of the two other "Pasquas" during the year would subsequently be arranged between the two. See García Marco, *Las comunidades mudejares*, p. 245 (doc.7).

35. Ibid., p. 245.

36. Theoretically the imam led the prayers of the congregation, invoked the name of the sultan before the Friday khutba and determined the end of Ramadan. It was for these specific responsibilities that al-Wansharisi, for instance, declared that Mudejar imams were not legitimate.

37. Harvey, *Muslims in Spain*, pp. 181–182.

38. Michel Zink, *La prédication en langue romane: Avant 1300* (Paris: Honoré Champion, 1976), has demonstrated how Christian model sermons were generally composed in Latin, with actual sermons delivered in Romance. Latin sermons

survive more than their Romance cousins and, being models, often lack in details that might enable the scholar to locate them in space and time.

39. Madrid (CSIC) Junta ms. C/3, fol. 20; also see Ribera and Asín, *Manuscriptos árabes y aljamiados*, p. 256.

40. Pederson, "The Islamic Preacher"; Jones, "The Boundaries of Sin," pp. 106–254.

41. Madrid (CSIC) Junta ms. 73 (fragment Arabic 1)—describes the three mosques where you pray during the hajj. This Arabic liturgy has no date but speaks of the hajj, Ramadan, and burial.

42. BN Madrid ms. 4950 (fol. 231r). We might recall Ibn Miqlash's alarmed and scornful tone on being asked by the Mudéjars about the prostrations specified at various places of the Qur'an upon recitation. See chapter 1, note 50. Not surprisingly, the Maliki jurist did not acknowledge that the Mudéjars took the basic rituals of Islamic practices seriously.

43. See chapters 1 and 2.

44. See chapters 5.

45. The textual shift from Arabic to Romance or aljamiado occurred in stages, with various genres of Islamic writing translated at different times. The different rhythms for different genres point not to an uncontrolled slide from Arabic to Romance, owed to a generalized loss of the sacred language, but to a conscious process of adaptation.

46. Escorial ms. 1880, as cited by Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 206–207.

47. BN Madrid ms. 5324 (134r–134v). Other than the Cairo ruling, this is the only fatwa I know of that rules on the translation of Arabic into aljamiado during the Mudéjar period. See Miller, "Guardians of Islam," appendix B.

48. Van Koningsveld and Wiegers, "Islam in Spain," pp. 139–140.

49. Ibid., "Islam in Spain," p. 144. The khutba's preaching both followed a recitation from, and entailed an explication of qur'anic verse. The language of the Qur'an was considered sacred, and, as the Hanbalite jurist maintained, untranslatable, "because its unsurpassable literary qualities are based on [its] wording and construction [in Arabic] and this [specific quality] is lost when it is translated into a non-Arabic language."

50. The Maliki judge ruled: "It is not permissible to recite the Qur'an in any language other than Arabic for the person who is able to do so, except for a pupil to a teacher." The other three jurists don't mention the "pupil to teacher." See Van Koningsveld and Wiegers, "Islam in Spain," p. 141–142.

51. Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 205 and 227. The khutba that this faqih felt appropriate to translate for the people was the *Kitab*

al-anwar as-saniyya fi alfaz al-sunniyya of Abu 'l-Qasim M. b. A. al-Qalbi (d. 741/1340).

52. A *wa'iz* from an early period referred to a "pulpit orator, who more at his liberty might instill needed teachings and influence people's turn of mind." Muslims distinguished between forms of preaching and types of preachers. See Pedersen, "The Islamic Preacher," p. 226.

53. Hoenerbach, *Spanisch-islamische Urkunden*, pp. 264–265 (doc. 25).

54. Among a rich secondary literature, see Claude Brémond, Jacques Le Goff, and Jean-Claude Schmitt, *L'exemplum*, Typologie des sources du Moyen Age occidental, vol. 40 (Brepols: Turnhout, 1982).

55. Madrid (CSIC) Junta ms. 63, as cited by Van Koningsveld, "Andalusian Arabic Manuscripts from Christian Spain," p. 97.

56. See, for example, Madrid (CSIC) Junta ms. 17. For Ibn Nubata's sermons copied at the end of the fourteenth century, see Madrid (CSIC) Junta mss. C/5 and C/7 as well as Madrid (CSIC) Junta appendix B (fol. 352), as cited in Ribera and Asín, *Manuscritos árabes y aljamiados*, pp. 264–265. Muhammad Calavera and Muhammad al-Ghazi, as pointed out in chapter 3, were exchanging sermons, quite probably those of Ibn Nubata, given the preacher's popularity among the Mudejars.

57. For references to several al-Ghazali texts that circulated among the Mudejars, see chapter 3, note 39, and Wiegers, *Islamic Literature in Spanish and Aljamiado*, p. 204.

58. Jones, "The Boundaries of Sin." Jones's research offers a much needed study of Muslim sermons in late medieval Iberia. Notably, she analyzes in detail how Iberian preachers (both Christian and Muslim), in order to "connect" to the people, incorporated into their sermons a religious discourse with stories and symbols that local Muslims could engage with. Drawing from a range of modern scholarship on rhetoric, ritual, and symbolism, Jones examines how medieval Iberian preachers used these registers.

59. Ibid., p. 247. Further references will appear parenthetically in text.

60. BN Madrid ms. 4950, fol. 229r (ll. 15–21). My translation is based on the manuscript and Bouzineb's (unedited) transcription of the fatwa in his "Respuestas de juriscultos maghrebíes," p. 62 (l. 21).

61. BN Madrid ms. 4950, fol. 227v (ll. 18–19). My translation is based on the manuscript and Bouzineb's (unedited) transcription of the fatwa in his "Respuestas de juriscultos maghrebíes," p. 63.

62. Jones, "The Boundaries of Sin," pp. 460–470, especially pp. 478–479.

63. Al-Ghazali had written, "Setting aside what is forbidden is weightier, for the duties or acts of obedience are within the power of everyone, but only the upright

are able to set aside the appetites. For that reason Muhammad said: 'the true *hijrah* (emigration) is the flight from evil, and the real *jiḥad* is the warfare against one's passions.' *The Faith and Practice of Al-Ghazali*, trans. W. Montgomery Watt (London: Allen and Unwin, repr. 1967), p. 131.

64. BN Madrid ms. 4950, fol. 227v (ll. 10–13). My translation is based on the manuscript and Bouzineb's (unedited) transcription of the fatwa in his "Respuestas de juriconsultos maghrebíes," p. 4.

65. Madrid (CSIC) Junta C/3 fol. 2v.

66. See Meyerson, *The Muslims of Valencia*, p. 265.

67. The text survives in aljamiado and was edited by A. Labarta and M. García-Arenal. See "Algunos fragmentos aljamiados del proceso inquisitorial contra Yuçe de la Vaçía, alfaquí de la Villa de Molina," *Nueva Revista de Filología Hispánica* 30:127–142. The royal record is noted by Mercedes García-Arenal in her *Inquisición y moriscos: los procesos del Tribunal de Cuenca* (Madrid: Siglo XXI, 1978), p. 119.

68. García-Arenal, *Inquisición y morisco*, p. 119.

69. Inquisition records dated to the sixteenth century, when many of the Mudejars had converted outwardly, show that the Aragonese Moriscos were considered by their coreligionists in Castile as fonts of information on Islamic practices. They taught other Moriscos whose faith had lapsed over the years (since the forced conversions) how to pray and fast. Brubaker, "Different Perspectives," pp. 30–32.

70. *Ibid.*, pp. 58–65.

71. For this Morisco narrative in aljamiado, see Chejne, *Islam and the West*, pp. 61–62. The Christian man who gave the alms had a Morisca wife and converted to Christianity at the end of the story. This was not unheard of, for according to inquisition records Christian men did indeed meet Morisca women and subsequently convert to Islam. Monter, *Frontiers of Heresy*, p. 226 and note 38.

7. *Captive Redemption*

1. Epalza, "Dos textos moriscos bilingües," pp. 60–62 (Arabic).

2. Some recent key studies are Meyerson, "Slavery and the Social Order," "Slavery and Solidarity"; Díaz Borrás, *El miedo al mediterráneo*; Blumenthal, "Implementations of Labor"; Salicrú i Lluç, "Esclaus i propietaris d'esclaus"; Ferrer i Mallol, "La Redempció de captius," and *Els sarraïns de la corona*; Van Koningsveld, "Muslim Slaves and Captives"; Vidal Castro, "Poder religioso y cautivos creyentes."

3. Meyerson, "Slavery and the Social Order," pp. 159–160, for seignorial manipulations of Mudejars' liberties. See as well Catlos, *The Victors and the Vanquished*, pp. 221–237.

4. Meyerson, *The Muslims of Valencia*, p. 195; Nirenberg, *Communities of Violence*, pp. 136–137; O'Connor, "Mudejars Helping Other Mudejars," pp. 103–106.

5. These incursions were, in part, a reaction to the sacking and sacrilege committed at Torre Blanca where Muslim pirates had, according to the king, snatched the holy Eucharist and returned with other sacred objects to North Africa. See López Pérez, *La Corona de Aragón*, pp. 161 and 739, on the return of these sacred objects. See also Brunschvig, "Deux récits de voyage inédits," p. 25.

6. Meyerson, "Slavery and Solidarity," p. 290.

7. Díaz Borrás, *El miedo al Mediterráneo*, pp. 287–334.

8. Meyerson, "Slavery and Solidarity," p. 318.

9. See Blumenthal, "Implements of Labor," pp. 14–85.

10. Ibid., pp. 21–39, for captive testimonies (*presentaciones e confesiones de cautivos*) as historical sources. She points out that *confesiones* are valuable not only for estimating the slave population in the kingdom of Valencia and the ethnic or religious origins of the captives but also the identity of the Christian corsairs and the strategies they employed for putting their Muslim captives on the market.

11. See López Pérez, *La Corona de Aragón*. Royal officials made some effort to keep merchants and corsairs abreast of changes in international policy. During the fifteenth century, peace treaties and commercial treaties between the Crown of Aragon with Granada, Tremecén, Tunis, and Fez were struck and annulled at such a pace that it was difficult for any ordinary Christian or Muslim to keep track of the situation.

12. See Meyerson, "Slavery and Solidarity," p. 311, note 86, for several examples of foreign Muslim captives freed through the intervention of Muslims in dar al-Islam and for an account of provisions contained in truce agreements between the Crown and Muslim states.

13. Alarcón y Santón and de Linares, *Los documentos árabes diplomáticos*, pp. 135–137 (doc. 69), translated by Harvey, *Islamic Spain*, pp. 208–209.

14. For conditional treatises, see Brunschvig, "Documents inédits sur les relations entre Couronne d'Aragon et la Berbérie orientale au XIV siècle," in *Annales de l'Institut de Études Orientales* (Paris and Alger: Librairie Larose and Université d'Alger, 1936), pp. 235–265; Díaz Borrás, *El miedo al Mediterráneo*, pp. 82–85; Dufourcq, "Catalogue chronologique et analytique"; I. de las Cagigas, "Un traité de paix entre le roi Pierre IV d'Aragon et le Sultan de Tunis Abu Ishak II (1360)," *Hesperis* 19:65–77; J. Mutgé i Vives, "Algunas noticias sobre las relaciones entre la Corona catalano-aragonesa y el reino de Tunez de 1345 a 1360," in *Relaciones de la península ibérica con el Maghreb (siglos XIII–XVI)* (Madrid: CSIC, 1987), pp. 131–164; Salicrú i Lluç, *Documents per a la història de Granada*; J. Torres Fontes, "Las Treguas con Granada de 1475 y 1478," *Al-Andalus* 29 (1964), pp. 317–367.

15. Included here are only a few examples of systematic activities that deserve a full-length study grounded in the North African archives.

16. Cited in Serafin Fanjul and Frederico Arbós, eds. and trans., *A través del Islam* (Madrid: Alianza, 1981), p. 762; cf. Gibb, *The Travels of Ibn Battuta*, 4:941. The incident involved the capture by Christian corsairs of ten Muslims traveling to Malaga.

17. Marín and El Hour, "Captives, Children, and Conversion," p. 459, cite a number of examples of Muslim communities raising ransom for captives.

18. The *fakkak* (in Arabic) or *alfaqueeque* (in Spanish) usually negotiated the price of the redemption, or the exchange of captives. These professional brokers came from all three religions of the Book. Some were merchants by calling, some belonged to specialized religious orders (the Christian Mercedarians, for instance), some served as diplomats and ambassadors. I examine the functioning of these agents in my forthcoming study, "Business with the Infidel: Christian-Muslim Exchanges of Captives Across the Mediterranean."

19. Valérian, "Ifriqiyan Muslim Merchants," p. 54.

20. López Pérez, *La Corona de Aragón*, p. 835.

21. Blumenthal, "Implements of Labor," p. 48.

22. As quoted in Meyerson, "Slavery and Solidarity," p. 322, who relies on Boswell, *The Royal Treasure*, pp. 268–271 and Ferrer i Mallol, *Els sarraïns*, pp. 111–118.

23. Meyerson, "Slavery and Solidarity," pp. 323–324; Díaz Borrás, *El miedo al Mediterráneo*, pp. 309–313; Blumenthal, "Implements of Labor," pp. 420–421.

24. Díaz Borrás, *El miedo al Mediterráneo*, pp. 321–322.

25. As cited in Meyerson, "Slavery and Solidarity," p. 323.

26. Blumenthal, "Implements of Labor," pp. 420–421; and Meyerson, "Slavery and Solidarity," p. 323–334.

27. Díaz Borrás, *El miedo al Mediterráneo*, p. 303.

28. Most ex-captives are recorded as having paid fifteen sueldos (which corresponds to 4s of besant, 9s of mitja dobla, and a delme of 2s, a tenth of the twenty sueldos estimated to be the standard value of the Muslim's possessions.) Díaz Borrás, *El miedo al Mediterráneo*, pp. 302–313.

29. This sum, 136s, amounts to the 15s of the earlier era plus 121s in *delme of rescue*. The figure also suggests that the average conventional price of a ransom was a steady 1,210s throughout the period. Here, as in the preceding note, I draw on Díaz Borrás, *El miedo al Mediterráneo*, pp. 313–329.

30. Meyerson, "Slavery and Solidarity," p. 319.

31. Ibid., p. 314.

32. García Marco, *Las comunidades mudéjares*, pp. 223–224. There are numerous examples of such ransoms paid by the aljamas.

33. One example, among many: in 1426, Ali Xupio and Galip Ripoll together paid for the passage back to Melilla in Berbería of Mahomat Benmuça, who had been a captive to Alfonso Rodrigo in Valencia. Mahomat Razbaida played an active role in negotiating the release of captives and circulated Spain, leaving security deposits himself, if necessary, for the captives to acquire begging licenses. See Ruzafa García, "Patrimonio y estructuras familiares," p. 109.

34. ARV MR 45, fol. 131 (1426), Delmaments: "reebuda los quals xxvii del dit mes de jener recbe per mi lo dit en Daniel Barcelo de Mahomat Benmuça moro del loch de Mellille de les parts de Berberia olim catiu d'en Alfonso Rodrigo Sabonca de la cuitat de Valencia per mans de Ali Xupio e de Galip Ripoll axí per dret de delme de sa persona com no hagués bens alguns com per llicencia per mi aquell atorgada e donada de anar sen al dit loch—ii sols. item per dret de miga dobla—viii sols. item per lo besant—iiii sol. que es per tot."

35. Ruzafa García, "Patrimonio y estructuras familiares," pp. 457–458.

36. On *fakkak*, see note 18, this chapter.

37. Díaz Borrás, *El miedo al Mediterráneo*, p. 308.

38. Meyerson, "Slavery and Solidarity," p. 295.

39. Alarcón y Santón and de Linares, *Los documentos árabes diplomáticos*, pp. 402–403 (doc. 157).

40. See chapter 4, where I discuss the way in which Valencian lords used Muslim marriage contracts to protect the assets of their Mudejar dependents.

41. For the situation that prompted the fatwa in the first place, as well as to whom the excess funds belonged, see Marín and El Hour, "Captives, Children and Conversion," p. 459.

42. Labarta and García Cárcel, "Un fondo de documentos," p. 398.

43. Madrid (CSIC) Junta ms. 63, fol. 124v. The text was dated according to the Islamic *hijra* date of 821. Van Koningsveld has noted another (undated) letter, related to the people of Borja, introducing a young man as deserving of *sadaqat*. I have been unable to examine this text, but, according to Van Koningsveld, this Muslim had been imprisoned and tortured and "recommended to the care of those to whom the letter is addressed." This Arabic document may provide further evidence of Mudejar use of petitions and certificates to introduce Muslims in need of aid. See Van Koningsveld, "Andalusian-Arabic Manuscripts from Medieval Christian Spain," p. 817.

44. Unfortunately, passages of the letter are illegible and torn, although phrases that emerge indicate that the captive was describing the capture and ransoming arrangements.

45. Madrid (CSIC) Junta ms. 63, fol. 124v.

46. Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 294, 296–297 (doc. 31b). This formulary was partially translated by Harvey in his *Islamic Spain*, pp. 61–62.

We are building here on his remark that “the existence of certificates of this type does show us that a peninsula-wide network of communities existed, with a hierarchy of officials and with mutually agreed forms of communication.”

47. Hoenerbach, *Spanisch-Islamische Urkunden*, pp. 292–296 (doc. 31a).

48. The text uses *hakim*, which usually meant “savant” during the later Mudejar period. See Burns’s assessment of the use of this term in the thirteenth century in his *Society and Documentation in Crusader Valencia*, pp. 125–133. Here the letter seems to conform to the formulaic language used by Islamic administrations in referring to a distinguished and learned Muslim.

49. Marín, “Muslim Religious Practices in al-Andalus,” p. 884. Professional witnesses recorded the sums that the ‘ulama’ allocated annually to individual Muslims.

50. For Christian criteria establishing eligibility for public and communal funds, see, most recently, Sharon Farmer, *Surviving Poverty in Medieval Paris: Gender, Ideology, and the Daily Lives of the Poor* (Ithaca: Cornell University Press, 2002).

51. Adam Sabra, *Poverty and Charity in Medieval Islam*, p. 38.

52. Barceló Torres, *Un tratado catalan medieval de derecho islámico*, chapters 326 and 327, pp. 92–93, translation from Meyerson, “Slavery and the Social Order,” p. 170 (note 75). See Vidal Castro, “Poder religioso y cautivos creyentes,” p. 83.

53. ARV Cancillería Real 672, fol. 130v (1433). The document was issued because this woman was obliged to renew an earlier license after collecting the fifteen florins specified by the latter document. Because she was *molt pobre* (most poor), the bailiff granted her another license, for a fee, to beg for the other half of her thirty-florin debt.

54. Rodríguez, “Prisoners of Faith,” pp. 119–120.

55. Cohen, *The Voice of the Poor*, p. 10. See also his analyses in *Poverty and Charity in the Jewish Community*.

56. Madrid (CSIC) Junta ms. 63, fol. 124v.

57. Cohen, *The Voice of the Poor*, pp. 69–70 (doc. 33).

58. Ibid, pp. 63–64 (doc. 29).

59. The qadi adduced as evidence an Arabic document written forty years earlier, which stated that Mudejars of surrounding morerías, who did not have a mosque for their Friday prayers but traveled to the Gandia mosque, contributed half the sum of the Mudejars who lived in Gandia. See Camarena Mahiques, *Colección de documentos*, doc. 17.

60. García Marco, *Las comunidades mudéjares*, pp. 223–224.

61. Ibid, p. 224.

62. See Meyerson, *The Muslims of Valencia*, p. 72. Brian Catlos kindly reminded me of the symbolic force of indexing contributions to expenses incurred for the Feast of the Sacrifice.

63. Hoenerbach, *Spanisch-Islamische Urkunden*, p. 302 (doc. 33).

64. Sha'ban is a particularly holy month on the Islamic liturgical calendar.

65. Hoenerbach, *Spanisch-Islamische Urkunden*, p. 298–301 (doc. 32).

66. See Vidal Castro, "Poder religioso y cautivos creyentes," p. 83; and P. S. Van Koningsveld, *Islamitische slaven gevangenen in West-Europa tijdens de late Middeleeuwen. Inaugurele oratie gehouden (. . .) in de [Leiden University] Faculteit der Godgeleerdheid (. . .) op 4 februari 1994* (Leiden, 1994), p. 7.

67. See note 41.

68. One issue with informal institutions such as Mudejar charities concerns the so-called problem of commitment in the enforcement of contracts and cooperation within a group. Economic historians have explored the various mechanisms employed by groups as alternatives to formal legal institutions. Avner Greif, for example, has shown how reputation is one way to encourage members to adhere to community rules—in other words, "good behavior." In his study of medieval Jewish merchants, Greif demonstrates that a potentially renegade merchant, even in the absence of formal institutions, would tend not to violate an informal contract for fear of losing his reputation and the future reprisals (and ultimate loss of profit) that would result: See Avner Greif, "Contract Enforceability and Economic Institutions in Early Trade: The Maghribi Traders' Coalition," *American Economic Review* 83:525–548.

69. Christian lords commonly intervened to protect their Mudejars. I shall not expand on this well-known form of cross-confessional solidarity, illustrated by scholarship from the older Boswell, *Royal Treasure*, to the recent Catlos, *The Victors and the Vanquished*.

70. Conte Cazcarro, *La aljama de moros de Huesca*, pp. 100 and 152. Generally Christian officials did not intervene in the Mudejar management of internal funds. Situations in which they did involve themselves, therefore, are noteworthy. In the case of converts to Christianity who sued their relatives or the aljama to get their inheritance, Christian courts supported them.

71. I had already this concept in mind when I began researching the Spanish archives in 1994.

72. See, most recently, O'Connor, "Mudejars Helping Other Mudejars."

73. For this edict, see Meyerson, "Slavery and the Social Order," p. 171, note 81; "de receptatione sarracenorum captivorum dum ab eorum dominis fugam arripiunt": ARV Cancillería Real 230, fol. 67r (March 5, 1427). I draw heavily on Meyerson's article in the following paragraphs.

74. ARV Bailía 1151, fol. 366v (1451); and ARV Real Diversorum 277, fols. 13v–14 (September 24, 1456).

75. Blumenthal, "Implements of Labor," p. 411, points out that many of those accused of aiding and abetting fugitives were foreign Muslims from North Africa.

76. Meyerson, "Slavery and Solidarity," pp. 340–341.

77. Salicrú i Lluch, "Esclaus i propietaris d'esclaus," p. 225. Most of the fugitives were men, captives of *bona guerra* on the run, but there were also other types of fugitives. Of the 1,669 slaves ensured in 1424 in Barcelona, 1,647 were male. Of the 65 (3.9 percent) who attempted escape, 50 (76.9 percent) of them were successful.

78. Bailia 1151, fols. 152 bis–153r (1451). Their disobedience consisted of a "novitat contra los moros de la morería de aqueixa vila venints contra la proteccio e salva guarda per lo dit senyor rey feta e atorgada als moros dels lochs e moreries reyal." In his letter the bailiff included a copy of the decree for the official's information and that "per res no mudets." See also Pedro López Elum, "Apresamiento y venta de moros," pp. 329–379.

79. Ruzafa García, "La frontera de Valencia con Granada," p. 668.

80. Salicrú i Lluch, *El sultanat de Granada*, pp. 180–184.

81. See the introduction, note 17.

82. Scott, *Domination and the Arts of Resistance*, pp. x and 103.

83. Arguably, though, avoidance of taxation may have nothing to do with conscious, religiously motivated resistance to authority qua Christian authority.

84. Carpenter, "Alfonso el sabio y los moros," p. 231. The king legislated that Mudejar families were not to interfere with a convert's decision. Christians who dishonored a convert were to receive "a punishment more severe than if the injury had been committed against another man or woman whose entire line of ancestors had been Christians." See Robert I. Burns, ed., *Las Siete Partidas*, trans. Samuel Parsons Scott (Philadelphia: University of Pennsylvania Press, 2001), part 7, tit. 25 (Law 4), 5:1439.

85. Meyerson, *Muslims of Valencia*, p. 52.

86. See chapter 6.

87. Meyerson's thesis in "Slavery and Solidarity."

88. Resistance theorists would say that Mudejar acts of defiance constituted "refusal of subjectification," that is, the refusal to occupy the category of captive, servant, or potential convert that was foisted upon them by Christians. cf. Ortnier, "Resistance and the Problem of Ethnographic Refusal." But this is, after all, a traditional self-definition of Islam.

Epilogue

1. Mancebo of Arevalo, who recorded the council's meeting in his *Tafsira*, noted that "it was not yet eight years from our conversion." Valencian Mudejars were

informed that December 31, 1525, was the day by which they must convert or leave the country. The deadline set for the Aragonese Mudejars was January 26, 1526. In both cases, however, the option for Mudejars to emigrate to North Africa was made logistically complicated by the Crown. See Harvey, *Muslims in Spain*, p. 94 on the details and wording of the decree and pp. 181–182 for Harvey's translation of Mancebo's description of the Zaragoza council, preserved in one surviving text of the *Tafsira* dated to the sixteenth century. Madrid (CSIC) Junta ms. 62, fols. 1–3.

2. Mudejars in Castile and newly subjugated Granadan Muslims had faced the same edict in 1502 when the Catholic monarchs imposed the choice of baptism, exile, or death. The Catholic monarchs rescinded the provisions of a 1492 treaty that entitled the newly subjugated Granadan Mudejars to retain their religious, legal, and cultural institutions.

3. Harvey, *Muslims in Spain*, p. 181.

4. Ibid., pp. 95–96.

5. How the conversion edict was enforced initially is unclear, but it seems that many informal agreements, bribes, and protective measure were sought out, both in the courts and informally, by Muslims and their Christian lords alike.

6. Monter, *Frontiers of Heresy*, p. 215; see also Ribera and Asín, *Manuscritos árabes y aljamiados*, p. xx for a brief description of Madrid (CSIC) Junta ms. 4, fols. 157–175 and fols. 175–180. These sections of the aljamiado text consist of a history of the Turks and the most powerful Muslim rulers in Islamic history. On the Morisco appeal to Muslim powers see Harvey, "The Moriscos and Their International Relations"; and Hess, "The Moriscos."

7. Monter, *Frontiers of Heresy*, p. 216. As Monter, whose study of Aragonese Muslims during the inquisition highlights the exceptional resistance of these Moriscos to pressure and persecution, points out, the notaries and judges attracted special attention based on their reputation and expertise in Islamic law. Inquisition officials did not naively assume that centuries of Mudejar legal culture could be eradicated easily.

8. Ibid., pp. 216–217.

9. In addition to the *Tafsira*, Mancebo of Arevalo produced other important works in aljamiado. For an in-depth study of this Morisco's texts, his connection and collaboration with other scholars, as well as what little is known of his personal background, see Harvey, *Muslims in Spain*, pp. 170–193; and Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 163–175.

10. On the collaboration of these two faqihs, see Harvey, *Muslims in Spain*, pp. 94–97; and Wiegers, *Islamic Literature in Spanish and Aljamiado*, pp. 161–170.

11. Longás, *Vida religiosa de los moriscos*, pp. 219–220.

12. James T. Monroe, *Hispano-Arabic Poetry* (Berkeley: University of California Press, 1974), pp. 376–389 (ll. 22–23). This is an anonymous ode written by a Morisco to the Ottoman sultan Bayazid II (1482–1512).

13. Harvey, “The Moriscos and the *Hajj*.”

14. Harvey, “Crypto-Islam in Sixteenth-Century Spain,” p. 168. Intention, or *niya*, was a critical principle in these dissimulations: for instance, “Pork and forbidden foods might be eaten if they could not be avoided, so long as Moriscos continued to believe them unclean.”

Selected Bibliography

- Abou el Fadl, K. *And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourses*. New York: University Press of America, 2001.
- "Islamic Law and Muslim Minorities: The Juristic Discourse on Muslim Minorities from the Second/Eighth to the Eleventh/Seventeenth Centuries." *Islamic Law and Society* 1(2): 141–187.
- Aguirre Sadaba, F. J. "Notas acerca de la proyección de los 'kutub wata'iq' en el estudio social económico de al-Andalus." *Miscelanea de Estudios Árabes y Hebraicos* (seccion árabe-Islam) 49:3–30.
- Alarcón y Santón, M., and R. García de Linares, eds. *Los documentos árabes diplomáticos del archivo de la Corona de Aragón*. Madrid and Granada: Las Escuelas Árabes de Madrid y Granada, 1940.
- Albarracín Navarro, J. "Actividades de un faqih mudéjar." *Actas del VI Simposio Internacional de Mudejarismo*, pp. 437–444. Teruel: Centro de Estudios Mudéjares del Instituto de Estudios Turolenses, 1994.
- Allievi, S., and J. Nielsen, eds. *Muslim Networks and Transnational Communities in and Across Europe*. Leiden: Brill, 2003.
- Anderson, B. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso, 1983.
- Antoun, R. *Muslim Preacher in the Modern World: A Jordanian Case Study in Comparative Perspective*. Princeton: Princeton University Press, 1989.
- Arié, R. *L'Espagne musulmane au temps des Nasrides (1232–1492)*. Paris: Boccard, 1973.
- Arnold, T. W. *The Preaching of Islam. A History of the Propagation of the Muslim Faith*. London: Luzac, 1935 [1898].

- Asad, T. *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*. Baltimore: Johns Hopkins University Press, 1993.
- Assis, Y. T. *The Golden Age of Aragonese Jewry: Community and Society in the Crown of Aragon, 1213–1327*. London: Littman, 1997.
- Bannerman, P. *Islam in Perspective: A Guide to Islamic Society, Politics, and Law*. London: Routledge for the Royal Institute of International Affairs, 1988.
- Barceló Torres, C. M. "Las cartas árabes de Vila-Real." *Estudios castelloneses* 1:365–397.
- *Minorías islámicas en el país valenciano: Historia y dialecto*. Valencia: Universidad de Valencia, 1984.
- "La morería de Valencia en el Reinado de Juan II." *Saitabi* 30:3–71.
- "Nuevos fondos arábigo-valencianos: La colección Martínez-Aloy." *Al-Qantara* 7:321–330.
- Barceló Torres, C. ed. *Un tratado catalán medieval de derecho islámico: El llibre de la çuna e xara dels moros*. Córdoba: Universidad de Córdoba, 1989.
- Barletta, V. *Covert Gestures: Crypto-Islamic Literature as Cultural Practice in Early Modern Spain*. Minneapolis: University of Minnesota Press, 2005.
- Barth, F., ed. *Ethnic Groups and Boundaries: The Social Organization of Culture Difference*. Prospect Heights, IL: Waveland, 1998.
- Basaez Villaluenga, M. B. *La aljama sarracena de Huesca en el siglo XIV*. Barcelona: CSIC, 1989.
- Baumgarten, J. "La littérature juive en langue yiddish (16^e–17^e siècle). Crise religieuse, culture vernaculaire et propagation de la foi." *Annales* 51: 491–511.
- Berend, N. *At the Gate of Christendom: Jews, Muslims, and "Pagans" in Medieval Hungary, c. 1000–c. 1300*. Cambridge: Cambridge University Press, 2001.
- Berkey, J. *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education*. Princeton: University of Princeton Press, 1992.
- Bisson, T. N. *The Medieval Crown of Aragon: A Short History*. Oxford: Clarendon, 1986.
- Blasco Martínez, A. "Notarios mudéjares de Aragon (siglos XIV–XV)." *Aragón en la Edad Media: Homenaje a Maria Luisa Ledesma Rubio* 10/11:109–133.
- Bloom, J. M. "The Revival of Early Islamic Architecture by the Umayyads of Spain." In M. J. Chiat and K. L. Reyerson, eds., *The Medieval Mediterranean: Cross-Cultural Contacts*, pp. 35–41. St. Cloud, MN: North Star Press of St. Cloud, 1988.
- Blumenthal, D. G. "Implements of Labor, Instruments of Honor: Muslim, Eastern, and Black African Slaves in Fifteenth-Century Valencia." Ph.D. diss., University of Toronto, 2000.
- Boronat y Barrachina, P. *Los moriscos españoles y su expulsión*. Valencia: Vives y Mora, 1901.

- Boswell, J. *The Royal Treasure: Muslim Communities Under the Crown of Aragon in the Fourteenth Century*. New Haven: Yale University Press, 1977.
- Bouazineb, H. "Respuestas de jurisconsultos maghrebies en torno a la emigración de musulmanes hispánicos." *Hespéris-Tamuda* 26/27:53–66.
- Bowen, J. R. *Muslims Through Discourse: Religion and Ritual in Gayo Society*. Princeton: Princeton University Press, 1993.
- Braudel, F. *The Mediterranean and the Mediterranean World in the Age of Philip II*. New York: Harper and Row, 1973.
- Brett, M. "Muslim Justice Under Infidel Rule: The Normans in Ifriqiya, 517–555H/AD 1123–1160." *Les Cahiers de Tunisie* 43:325–368.
- Brodman, J. W. *Ransoming Captives in Crusader Spain: The Order of the Merced on the Christian-Islamic Frontier*. Philadelphia: University of Pennsylvania Press, 1986.
- Brubaker, J. "Different Perspectives on a Shared Identity: The Moriscos of Deza, 1570–1611." Senior honors thesis, Stanford University, 2001.
- Brunschvig, R. "Deux récits de voyage inédits en Afrique du nord au XV siècle 'Abdalbasit b. Khalil et Adorne.'" Publications de l'Institut d'Études Orientales de la Faculté des Lettres D'Algier 7. Paris: Larose, 1936.
- Bulliet, R. W. *Conversion to Islam in the Medieval Period: An Essay in Quantitative History*. Cambridge: Harvard University Press, 1979.
- *Islam: The View from the Edge*. New York: Columbia University Press, 1994.
- Burési, P. "Les Conversions d'églises et de mosquées en Espagne aux XIe–XIIe siècles." In P. Boucheron, and J. Chiffoleau, eds., *Religion et société urbaine au Moyen Age: Études offertes à Jean-Louis Biget*, pp. 333–350. Paris: Sorbonne, 2000.
- *La Frontière entre chrétienté et Islam dans la péninsule Ibérique: Du Tage à la Sierra Morena (fin XI^e–milieu XIII^e siècle)*. Paris: Publibook, 2004.
- Burns, R. I. "The *Guidaticum* Safe-Conduct in Medieval Aragon-Catalonia: A Mini-Institution for Muslims, Christians and Jews." *Medieval Encounters: Jewish, Christian and Muslim Cultures in Confluence and Dialogue* 1:51–113.
- *Islam Under the Crusaders: Colonial Survival in the Thirteenth-Century Kingdom of Valencia*. Princeton: Princeton University Press, 1973.
- *Jews in the Notarial Culture: Latinate Wills in Mediterranean Spain, 1250–1350*. Berkeley: University of California Press, 1996.
- *Muslims, Christians, and Jews in the Crusader Kingdom of Valencia: Societies in Symbiosis*. Cambridge: Cambridge University Press, 1984.
- "Muslims in the Thirteenth-Century Realms of Aragon: Interaction and Reaction." In *Muslims Under Latin Rule, 1100–1300*, pp. 57–102. Princeton: Princeton University Press, 1990.
- *Society and Documentation in Crusader Valencia*. Princeton: Princeton University Press, 1985.

- Burns, R. I., P. Chevedden, and M. de Epalza, eds. *Negotiating Cultures: Bilingual Surrender Treaties in Muslim-Christian Spain Under James the Conqueror*. Leiden: Brill, 1999.
- Buzineb, H. "Respuestas de jurisconsultos magrebíes en torno a la inmigración de musulmanes hispánicos." *Hespéris-Tamuda* 26/27:53–66.
- Cabezudo Astrain, J. "Noticias y documentos sobre moriscos aragoneses." *Miscelánea de Estudios Árabes y Hebraicos* 5:105–117.
- Cagigas, I. d. l. "Una carta aljamiada granadina." *Árabe* 1:272–75.
- . *Los mudéjares*. Madrid: Instituto de Estudios Africanos, CSIC, 1948–1949.
- Calero Secall, M. I. "Una aproximación al estudio de los fatwas granadinas: Los temas de las fatwas de Ibn Siray en los Nawazil de Ibn Tarkat." *Homenaje al Profesor D. Carbanelas* 1:187–202. Granada, 1987.
- . "Comares en *al Mi'yar* de al-Wansharisi." *Homenaje al Profesor José María Forneas Besteiro* 2:925–940. Granada, 1994.
- . "Rulers and Qadis: Their Relationship During the Nasrid Kingdom." *Islamic Law and Society* 7(2): 235–255.
- Camarena Mahiques, J. *Colección de documentos para la historia de Gandia y su comarca*. Casa Ferrer: Gandia, 1959.
- Cantineau, J. "Lettre du Moufti d'Oran aux musulmans d'Andalousie." *Journal Asiatique* 210:1–17.
- Carmona González, A. "Consideraciones sobre la pervivencia de la jurisprudencia andalusí en las épocas mudéjar y morisca." *Actes du Ve Symposium International d'Études morisques* 1:209–222. Zaghuan: Ceromdi, 1993.
- . "La frontera: Doctrina islámica y instituciones nazaries." *Actas del Congreso: La frontera oriental nazarí como sujeto histórico (s. XIII–XVI)*, pp. 47–57. Almería: Instituto de Estudios Almerienses, 1997.
- . "Los nuevos mudéjares: la shari'a y los musulmanes en sociedades no-islámicas." In M. Abumalham, ed., *Comunidades islámicas en Europa*, pp. 49–59. Madrid: Trotta, 1995.
- . "Textos jurídico-religiosos Islámicos de las épocas mudéjar y morisco." *Areas: Revista de Ciencias Sociales* 14:13–26.
- Carpenter, D. "Alfonso el sabio y los moros: Algunas precisiones legales, históricas, y textuales con respecto a Siete Partidas 7.25." *Al-Qantara* 7:229–252.
- Carlós, B. A. "The Ebro Valley and Valencia: Mudéjar Experiences Related, Distinct." *Revista d'Historia Medieval* 12:293–305.
- . *The Victors and the Vanquished: Christians and Muslims of Catalonia and Aragon, 1050–1300*. Cambridge: Cambridge University Press, 2004.
- Cervera Fras, M. J. "Descripción de los manuscritos mudéjares de Calanda." *Aragón en la Edad Media: Homenaje de María Luisa Ledesma Rubio* 10–11: 165–187.

- Chejne, A. G. *Islam and the West: The Moriscos*. Albany: State University of New York Press, 1983.
- Cipollone, G. *Cristianita-Islam: Cattivita e liberazione in nome di Dio, il tempo di Innocenzo III dopo "il 1187."* Rome: Pontificia Universitas Gregoriana, 1992.
- Cohen, M. R. *Poverty and Charity in the Jewish Community of Medieval Egypt*. Princeton: Princeton University Press, 2005.
- *The Voice of the Poor in the Middle Ages: An Anthology of Documents from the Cairo Geniza*. Princeton: Princeton University Press, 2005.
- Colón, G., and A. Garcia, eds. *Furs de València*. Barcelona: Barcino, 1970–1999.
- Comaroff, J., and J. Comaroff. *Ethnography and the Historical Imagination*. Boulder: Westview, 1992.
- Constable, O. R. *Trade and Traders in Muslim Spain: The Commercial Realignment of the Iberian Peninsula, 900–1500*. Cambridge: Cambridge University Press, 1994.
- Conte Cazarro, A. *La aljama de moros de Huesca*. Huesca: Instituto de Estudios Altoaragoneses, 1992.
- Cook, M. *Commanding Right and Forbidding Wrong in Islamic Thought*. Cambridge: Cambridge University Press, 2000.
- Cooke, M., and B. Lawrence, eds. *Muslim Networks from Hajj to Hip Hop*. Chapel Hill: University of North Carolina Press, 2005.
- Daniel, N. *Islam and the West: The Making of an Image*. Edinburgh: University Press, 1960.
- de la Torre, A., ed. *Documentos sobre relaciones internacionales de los Reyes Católicos*. Barcelona: CSIC, 1966–1969.
- Díaz Borrás, A. *El miedo al mediterráneo: La caridad popular valenciana y la redención de cautivos bajo poder musulmán, 1323–1539*. Barcelona: CSIS, 2001.
- La paradoja de la emigración mora en Valencia durante el siglo XV. Expatriación musulmana en época de Honorat Mercader (1467–1481). *Cuadernos de estudios medievales, ciencias técnicas historiográficas* 16:37–58. Granada, 1991.
- Dodds, J. D. *Architecture and Ideology in Early Medieval Spain*. University Park: Pennsylvania State University Press, 1990.
- "Mudejar Tradition and the Synagogues of Medieval Spain: Cultural Identity and Cultural Hegemony." In T. F. Glick, J. D. Dodds, and V. B. Mann, eds., *Convivencia: Jews, Muslims and Christians in Medieval Spain*, pp. 113–132. New York: Jewish Museum, 1992.
- Dufourcq, C. E. "Catalogue chronologique et analytique du Registre 1389 de la Chancellerie de la Couronne d'Aragon, intitulé 'Guerre Sarracenorum 1367–1386' (1360–1386)." *Miscelánea de Textos Medievales* 2:65–166.
- *L'Espagne catalane et le Maghrib aux XIIIe et XIVe siècles, de la bataille de Las Navas de Tolosa (1212) à l'avenement du sultan mérinide Abou-l-Hazzan (1331)*. Paris: Presses Universitaires de France, 1966.

- Dumont, L. *Homo Hierarchicus: The Caste System and Its Implications*. Chicago: University of Chicago Press, 1980.
- Dunn, R. E. *The Adventures of Ibn Battuta: A Muslim Traveler of the Fourteenth Century*. Berkeley: University of California Press, 1989.
- Eickelman, D. "The Study of Islam in Local Contexts." *Contributions to Asian Studies* 17:1-16.
- Eickelman, D., and J. Piscatori, eds. *Muslim Travellers: Pilgrimage, Migration, and the Religious Imagination*. Berkeley: University of California Press, 1990.
- Epalza, M. d. "A modo de introducción: El escritor Ybrahim Taybili y los escritores musulmanes aragoneses." In L. F. B. Pons, ed., *El cántico islámico del morisco hispanotunecino Taybili*, pp. 5-30. Zaragoza: Institución Fernando el Católico, 1988.
- "Dos textos moriscos bilingües (árabe y castellano) de viajes a Oriente (1395 y 1407-12)." *Hespéris-Tamuda* 20(2): 25-112.
- "El Islam aragonés, un Islam de frontera." *Turiaso* 7:9-21.
- Epalza, M. d., ed. *Fray Anselm Turmeda (ʿAbdallah al-Taryuman) y su polémica islamo-cristiana*. Madrid: Hiperión, 1994.
- Escribano, J. C., and A. Labarta. "Las bibliotecas de dos alfaquís borjanos." *Anaquel de estudios árabes* 12:355-368.
- Febrer Romaguera, M. V. "Los Bellvís: Una dinastía mudéjar de alcaides generales de Valencia, Aragón y Principado de Cataluña." *Actas del III Simposio Internacional de Mudejarismo*, pp. 277-325. Teruel: Instituto de Estudios Turolenses, 1986.
- "Los tribunales de los alcadíes moros en las aljamas mudéjares valencianas." *Anuario de Estudios Medievales* 22:45-77.
- Fernández y González, F. *Estado social y político de los mudéjares de Castilla, considerados en sí mismos respecto de la civilización española*. Madrid: Real Academia de la Historia, 1866.
- Ferrando, I. "El Árabe andalusí en Aragón: Fuentes y vías de aproximación," *Estudios de dialectología norteafricana y andalusí* 3:35-59.
- Ferrer i Mallol, M. T. *Les aljames sarranes de la governació d'Oriola en el segle XIV*. Barcelona, CSIC, 1988.
- *La frontera amb l'islam en el segle XIV: Cristians i Sarraïns al País Valencia*. Barcelona, CSIC, 1988.
- "The Muslim *Aljama* of Tortosa in the Late Middle Ages: Notes on Its Organisation." *Scripta Mediterranea* 19/20:143-164.
- "La Redempció de captius a la Corona catalano-aragonesa (segle XIV)." *Anuario de Estudios Medievales* 15:237-297.
- *Els sarraïns de la Corona catalano-aragonesa en el segle XIV: Segregació i discriminació*. Barcelona: CSIC, 1987.

- Ferrer i Mallol, M. T., and J. Riera i Sans. "Miscellània de documents per a la història del notariat als estats de la Corona catalano-aragonesa." *Estudios históricos y documentos de los archivos de protocolos: Miscelánea en honor de Raimundo Noguera de Guzmán* 4:434–438, 444–445.
- Fierro, M. "Christian Success and Muslim Fear." *Israel Oriental Studies* 17:155–178.
- "La emigración en el Islam: Conceptos antiguos, nuevos problemas." *Awraq* 12:11–41.
- Fournel-Guérin, J. "Une famille morisque de Saragosse: Les Compañero." *Awraq* 4:179–184.
- "Le livre et la civilisation écrite dans la communauté morisque aragonaise (1540–1620)." *Mélanges de la Casa de Velázquez* 15:241–259.
- Franco Sánchez, F. "Los mudéjares según la rihla de Ibn as-Sabbah (m. después 895/1490)." *Sharq al-Andalus* 12:375–391.
- Galán Sánchez, A. *Una visión de la decadencia española: La historiografía anglosajona sobre mudéjares y moriscos (siglos xviii–xx)*. Málaga: Diputación Provincial, 1991.
- García-Arenal, M. *Los moriscos*. Madrid: Nacional, 1975.
- "La práctica del precepto de al-Amr bi-l-Ma'ruf wa-l-nahy 'an al-Munkar en la hagiografía Maghrebi." *Al-Qantara* 13:143–165.
- García-Arenal, M., and B. Leroy. *Moros y Judíos en Navarra en la baja Edad Media*. Madrid: Hipérion, 1984.
- García Ballester, L. *Historia social de la medicina en la España de los siglos XIII al XVI. La minoría musulmana y morisca*, 1:72. Madrid: Akal, 1976.
- *Medicine in a Multicultural Society: Christian, Jewish and Muslim Practitioners in the Spanish Kingdoms, 1222–1610*. Aldershot: Variorum, 2001.
- García Marco, F. J. "Un capítulo para la historia social del trabajo del yeso: La familia Domalich de Calatayud y su entorno en el siglo XV." *V Simposio Internacional de Mudejarismo*, pp. 345–363. Teruel: Instituto de Estudios Turolenses, 1992.
- *Las comunidades mudéjares de la comarca Calatayud en el siglo XV*. Calatayud: CSIC, 1993.
- Gayangos, P. d. "Leyes de moros del siglo XIV." *Memorial histórico español* 5:1–246. Madrid, 1853.
- Geertz, C. *Interpretation of Cultures*. New York: Basic, 1983.
- *Local Knowledge: Further Essays in Interpretive Anthropology*. New York: Basic, 1983.
- Given, J. *Inquisition and Medieval Society: Power, Discipline, and Resistance in Languedoc*. Ithaca: Cornell University, 1997.
- Glick, T. *From Muslim Fortress to Christian Castle: Social and Cultural Change in Medieval Spain*. Manchester: Manchester University Press, 1995.

- *Islamic and Christian Spain in the Early Middle Ages*. Princeton: Princeton University Press, 1979.
- Goitein, S. D. *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza*. 2 vols. Berkeley: University of California Press, 1983.
- González Palencia, A. "Documentos árabes del Cenete." *Al-Andalus* 5:301–382.
- Greif, A. "Contract Enforceability and Economic Institutions in Early Trade: The Maghribi Traders' Coalition." *American Economic Review* 83(3): 525–548.
- Gibb, H. A. R., ed. and trans. *The Travels of Ibn Battuta, A.D. 1325–1354*. Ed. C. Defrémery and B. R. Sanguinetti. 5 vols. Cambridge: Cambridge University Press, 1958–2000.
- Gual Camarena, M. "Mudéjares valencianos: Aportaciones para su estudio." *Saitabi* 7:165–199, 225–147.
- Harvey, L. P. "Crypto-Islam in Sixteenth-Century Spain." *Actas del Primer Congreso de Estudios Árabes e Islámicos*, pp. 163–178. Madrid: Congreso de Estudios Árabes e Islámicos, 1964.
- *Islamic Spain, 1250 to 1500*. Chicago: University of Chicago Press, 1990.
- "The Moriscos and the *Hajj*." *British Society for Middle Eastern Studies Bulletin* 14:11–24.
- "The Moriscos and Their International Relations." *L'expulsió dels moriscos: Consequències en el món islàmic i en el món cristià 380è aniversari de l'expulsió dels moriscos*, pp. 135–139. Congrés internacional, Sant Carles de la Rapit. Barcelona: Generalitat de Catalunya, Departament de Cultura, 1994.
- *Muslims in Spain: 1500 to 1614*. Chicago: University of Chicago Press, 2005.
- Hess, A. C. "The Moriscos: An Ottoman Fifth Column in Sixteenth-Century Spain." *American Historical Review* 74:1–25.
- Hinojosa Montalvo, J. "Las relaciones entre los reinos de Valencia y Granada durante la primera mitad del siglo XV." *Estudios de Historia de Valencia*, pp. 91–159. Valencia: Universidad de Valencia, 1978.
- Hoenerbach, W. "Cuatro documentos mudéjares originarios de Cataluña y de Levante." *Homenaje al Profesor Dario Cabanelas Rodríguez, o.f.m., con motivo de su LXX aniversario*, 1:369–379. 2 vols. Granada: Universidad de Granada, 1987.
- "El notariado islámico y el cristiano: estudio comparativo." *Cuadernos de Historia del Islam* 11:103–136.
- *Spanisch-Islamische Urkunden aus der Zeit der Nasriden und Moriscos*. Berkeley: University of California Press, 1965.
- Hunwick, J. O., ed. *Shari'a in Songhay: The Replies of al-Maghili to the Questions of Askia al-Hajj Muhammad*. Union Académique Internationale Fontes Historiae Africanae, series Arabica. Oxford: Oxford University Press for the British Academy, 1985.

- Ibn 'Abd al-Malik Muttaqi (Muttaqi al-Hindi), 'Ali. *Kanz al-'ummal*. Ed. H. Raz-zuq and S. al-Saqqa. Aleppo: Maktabat al-Turath al-Islami, 1969–77.
- Ibn 'Abdun, Muhammad b. Ahmad. "Risalat Ibn 'Abdun fi 'l-quda' wa 'l-hisba." *Trois traités hispaniques de Hisba (Thalalt risa'il andalusiyya fi 'adab al hisba wa 'l-muhtasib)*, pp. 1–25. Ed. E. Lévi-Provençal. Cairo: Imprimerie de l'Institut Français d'Archéologie Orientale, 1955.
- Ibn-al-'Attar, ed. *Kitab al-watha' iq wa 'l-sijillat*. Madrid: Academia Matritense del Notariado/Instituto Hispano-Árabe de Cultura, 1983.
- Ibn Khaldun. *Kitab al-'ibar*. Beirut, 1956–1961.
- . *The Muqaddimah: An Introduction to History*. Ed. and trans. Franz Rosenthal. London: Routledge and Kegan Paul, 1958.
- Ibn al-Khatib, Lisan al-Din. *Al-Ihata fi akhbar Gharnata*. Ed. M. A. 'Inan. 4 vols. Cairo: Maktabat al-Khanji, 1975–1977.
- Jones, L. "The Boundaries of Sin and Communal Identity: Muslim and Christian Preaching and the Transmission of Cultural Identity in Medieval Iberia and the Maghreb (Twelfth to Fifteenth Centuries)." Ph.D. diss., University of California, Santa Barbara, 2005.
- Kassin, L. J. "A Study of a Fourteenth-Century Polemical Treatise Adversus Judaeos. Ph.D. diss., Columbia University, 1969.
- Kontzi, R. "Aljamiadotexte." *Ausgabe mit einer Einleitung und Glossen* 2. Wiesbaden, 1974.
- Kraemer, J. "Apostates, Rebels, and Brigands." *Israel Oriental Series* 10:34–73.
- Kriegel, M. "La prise d'une décision: L'expulsion des juifs d'Espagne en 1492." *Revue historique* 260:49–90.
- Küchler, W. "Besteuerung der Juden und Mauren in den Landern der Krone Aragons während der 15. Jahrhunderts." *Gesammelte Aufsätze zur Kulturgeschichte Spaniens* 24:227–256.
- Labarta, A. "La aljama de los musulmanes de Calatorao nombra procurador (documento árabe de 1451)." *Al-Qantara* 9:511–518.
- . "Inventario de los documentos árabes contenidos en procesos inquisitoriales contra moriscos valencianos conservados en el Archivo Histórico Nacional de Madrid (Legajos 548–556)." *Al-Qantara* 1:115–164.
- . "Los libros de los moriscos valencianos." *Awraq* 2:72–80.
- . "Reconocimiento de tutela a un mudéjar de Daroca (documento árabe de 1477)." *Aragón en la Edad Media* 5:207–217.
- Labarta, A., and J. C. Escribano. 2000. "Las bibliotecas de dos Alfaquíes Borjanos." *Anaquel de los Estudios Árabes* 11: 355–367.
- Labarta, A., and R. García Cárcel. "Un fondo de documentos árabes de moriscos valencianos." *Actas de las I Jornadas de Cultura Árabe e Islámica*, 1:395–400. Madrid, 1978.

- Ladero Quesada, M. A. *Los mudéjares de Castilla y otros estudios de historia medieval andaluza*. Granada: Universidad de Granada, 1989.
- Lagardère, V. "Abu l-Walid b. Rushd qadi al-qudat de Cordoue." *Revue des Etudes Islamiques* 54:203–224.
- *Histoire et société en Occident musulman au moyen âge: Analyse su "Mi'yar d'al-Wansarisi"*. Madrid: CSIC, 1995.
- *Le Vendredi de Zallaqa: 23 Octobre 1086*. Paris: L'Harmattan, 1989.
- Langmuir, G. I. *Toward a Definition of Antisemitism*. Berkeley: University of California Press, 1990.
- Lansing, C. *Power and Purity: Cathar Heresy in Medieval Italy*. New York: Oxford University Press, 1998.
- Lapidus, I. M. *Muslim Cities in the Later Middle Ages*. Cambridge: Cambridge University Press, 1984.
- Ledesma Rubio, M. L. "Marginación y violencia: Aportación al estudio de los mudéjares aragoneses." *Aragón en la Edad Media* 9:203–224.
- "Los mudéjares aragoneses: De la convivencia a la ruptura." *Destierros aragoneses*, 1: Judíos y moriscos. Zaragoza: Institución Fernando el Católico, 1988.
- "Los mudéjares y el cultivo de la tierra en Aragón." *Actas de las III jornadas sobre el estado actual de los estudios sobre Aragón*, pp. 905–912. Zaragoza, 1981.
- *Vidas mudéjares*. Zaragoza: Mira, 1994.
- Linehan, P. *History and the Historians of Medieval Spain*. Oxford: Clarendon, 1993.
- Longás, P. "Un documento sobre los mudéjares de Nuez (Zaragoza), siglo XV." *Al-Andalus* 27:431–443.
- *Vida religiosa de los moriscos*. Madrid: Imprenta Ibérica E. Maestre, 1915.
- López de Coca Castaner, J.-E. "Consideraciones sobre la frontera marítima." *Actas del congreso la frontera oriental nazarí como sujeto histórico (s. XIII–XVI)*, pp. 395–408. Almería, 1997.
- "Granada y el magreb: La emigración andalusi (1485–1516)." *Relaciones de la Península Ibérica con el magreb (s. XIII–XVI)*. Madrid, 1988.
- López Elum, P. "Apresamiento y venta de moros cautivos en 1441 por 'acaptar' sin licencia." *Al-Andalus* 34:329–379.
- López-Morillas, C. "Copistas y escribanos moriscos." *Actes du II^eme Symposium International du C.I.E.M. sur Religion, Identité et Sources Documentaires sur les Morisques Andalous* 2:71–78. Tunis, 1984.
- *Textos aljamiados sobre la vida de Mahoma: El profeta de los moriscos*. Madrid: CSIC, 1995.
- López Ortiz, J. "Algunos capítulos del formulario notarial de Abensalmon de Granada." *Anuario de Historia del Derecho Espanol* 4:319–355.
- "Fatwas granadinas de los siglos XIV y XV." *Al-Andalus* 6:73–127.

- López Pérez, M. D. *La Corona de Aragón y el Magreb en el siglo XIV (1331–1410)*. Barcelona: CSIC, 1995.
- “Las repercusiones económicas de la guerra de los dos Pedros en las aljamas musulmanas aragonesas: El caso de Escatrón y Alborge.” *Actas del VII Simposio Internacional de Mudejarismo*. Teruel: CSIC, 2002.
- Lourie, E. “Anatomy of Ambivalence: Muslims Under the Crown of Aragon in the Late Thirteenth Century.” *Crusade and Colonisation: Muslims, Christians, and Jews in Medieval Aragon*, pp. 1–77. Aldershot: Variorum, 1990.
- Macho y Ortega, F. “Condición social de los mudéjares aragoneses (siglo XV).” *Memorias de la facultad de filosofía y letras de la Universidad de Zaragoza* 1:137–319.
- “Documentos relativos a la condición social y jurídica de los mudéjares aragoneses.” *Revista de Ciencias Jurídicas y Sociales* 5:142–160, 444–464.
- MacKay, A. *Spain in the Middle Ages: From Frontier to Empire, 1000–1500*. New York: St. Martin's, 1977.
- McVaugh, M. “Islamic Medicine in the Kingdom of Aragon in the Early Fourteenth Century.” *Bulletin of Islamic Medicine: Proceeding of the Third International Conference on Islamic Medicine* 3:62–67.
- Madurell y Marimon, J. M. “Notas documentales del Reino de Granada.” *Cuadernos de Estudios Medievales* 2–3:233.
- Makdisi, G. *The Rise of Colleges: Institutions of Learning in Islam and the West*. Edinburgh: Edinburgh University Press, 1981.
- Mandaville, P. *Transnational Muslim Politics: Reimagining the Umma*. London: Routledge, 2002.
- Marín, M. “Biographical Dictionaries and Social History of Al-Andalus: Trade and Scholarship,” *Scripta Mediterranea* 19–20:239–258.
- “Des migrations forcées: Les ‘Ulema d’al-Andalus face a la conquete chrétienne” In Mohammed Hammam, ed., *L’Occident musulman et l’Occident chrétien au moyen age*, pp. 43–60. Rabat: Faculté des Lettres, 1995.
- “Muslim Religious Practices in al-Andalus (Second/Eighth–Fourth/Tenth Centuries).” In S. K. Jayyusi, ed., *The Legacy of Muslim Spain*, pp. 878–894. Leiden: Brill, 1992.
- “El oficio de la ciencia y otros oficios: En torno a la onomástica de los Ulemas Andalusies.” *Estudios onomástico-biográficos de al-Andalus* 7. Madrid: CSIC, 1988.
- Marín, M., and R. El Hour. “Captives, Children, and Conversion: A Case from Late Nasrid Granada.” *Journal of the Economic and Social History of the Orient* 41(4): 453–473.
- Marín Padilla, E. “Los Moros de Calatorao, lugar Aragonés de Senorío, en los siglos XIV y XV.” *Al-Qantara* 9:249–295.

- "Los Moros de Calatorao, lugar Aragonés de Senorío, en los siglos XIV y XV." *Al-Qantara* 10:75–213.
- Masud, M. K. "Adab al-Mufti: The Muslim Understanding of Values, Characteristics, and the Role of a Mufti." In B. D. Metcalf, ed., *Moral Conduct and Authority: The Place of Adab in South Asian Islam*, pp. 124–151. Berkeley: University of California Press, 1984.
- *Shatibi's Philosophy of Islamic Law*. Kuala Lumpur: Islamic Book Trust, 2000.
- Masud, M. K., B. Messick, and D. S. Powers, eds. *Islamic Legal Interpretation: Muftis and Their Fatwas*. Cambridge: Harvard University Press, 1996.
- Mazon, M. "Al-Adab al-Faqih wa-l-Azmah." *Historiographie et crise: Etudes historiographiques et culturelles*, pp. 61–75. Rabat: Publications de la Faculté des Lettres et des Sciences Humaines, 1994.
- Messick, B. M. *The Calligraphic State: Textual Domination and History in a Muslim Society*. Berkeley: University of California Press, 1993.
- Meyerson, M. D. *The Muslims of Valencia in the Age of Fernando and Isabel: Between Coexistence and Crusade*. Berkeley: University of California Press, 1991.
- "Slavery and the Social Order: Mudejars and Christians in the Kingdom of Valencia." *Medieval Encounters* 1:144–173.
- "Slavery and Solidarity: Mudejars and Foreign Muslim Captives in the Kingdom of Valencia." *Medieval Encounters* 1/2: 286–343.
- "The War Against Islam and the Muslims at Home: The Mudejar Predicament in the Kingdom of Valencia During the Reign of Fernando 'el Católico.'" *Sharq al-Andalus* 3:103–113.
- Miller, K. A. "Guardians of Islam: Muslim Communities in Medieval Aragon." Ph.D. diss., Yale University, 1998.
- "Muslim Minorities and the Obligation to Emigrate to Islamic Territory." *Islamic Law and Society* 7(2): 256–288.
- "Negociando con el infidel: La actividad mercantil musulmana en la España cristiana." In J. Aurell, ed., *El Mediterráneo medieval y renacentista: Espacio de mercados y de culturas*, pp. 213–232. Pamplona: Universidad de Navarra, 2002.
- Molénat, J. P. "Les mudéjars de Tolède: Professions et localisations urbaines." *Actas del VI Simposio Internacional de Mudejarismo*, pp. 429–435. Teruel: Centro de Estudios Mudéjares del Instituto de Estudios Turolenses, 1994.
- Molina López, E. "Algunas consideraciones sobre los emigrados andalusies." *Homenaje al Profesor Darío Cabanelas Rodríguez o.f.m., con motivo de su LXX aniversario*, pp. 419–431. Granada, 1987.
- "Dos importantes privilegios a los emigrados andalusies en el norte de África en el siglo XIII, contenidos en el *Kitab Zawahir al-Fikar* de Muhammad b. al-Murabit." *Cuadernos de Historia del Islam* 9:5–28.

- Monroe, J. T. "A Curious Morisco Appeal to the Ottoman Empire." *Al-Andalus* 31:281–303.
- Monter, W. *Frontiers of Heresy: The Spanish Inquisition from the Basque Lands to Sicily*. Cambridge: Cambridge University Press, 1990.
- Mottahedeh, R. P. *Loyalty and Leadership in an Early Islamic Society*. Princeton: Princeton University Press, 1980.
- Mutgé i Vives, J. *L'aljama sarraïna de Lleida a l'edat mitjana*. Barcelona: CSIC, 1992.
- Nirenberg, D. *Communities of Violence: Persecution of Minorities in the Middle Ages*. Princeton: Princeton University Press, 1996.
- "Conversion, Sex, and Segregation: Jews and Christians in Medieval Spain." *American Historical Review* 107(3): 1065–1093.
- O'Connor, I. *A Forgotten Community: The Mudejar Aljama of Xàtiva, 1240–1327*. Leiden: Brill, 2003.
- "Mudejars Helping Other Mudejars in the Kingdom of Valencia." *Al-Masaq* 17:99–108.
- Ortner, S. B. "Resistance and the Problem of Ethnographic Refusal." *Comparative Studies in Society and History* 37:184.
- Paena Gonzalvo, J. "La Seo del Salvador de Zaragoza: Análisis e hipótesis de su evolución constructiva desde su origen como mezquita-aljama hasta el siglo XVI." *Turiaso* 7:83–104.
- Pedersen, J. "The Islamic Preacher: Wa'iz, Mudhakkir, Qass." In Samuel Lowinger and Joseph Somogyz, eds., *Ignace Goldziher Memorial Volume* 1:226–251. Budapest, 1948.
- Peters, R. *Jihad in Classical and Modern Islam*. Princeton: Princeton University Press, 1996.
- Petry, C. *The Civilian Elite of Cairo in the Later Middle Ages*. Princeton: Princeton University Press, 1981.
- Pérez Viñuales, P. "Contratos de 'Firma de Mozo Aprendiz' para los oficios de sastre y tejedor: La comunidad mudéjar de Épila (Zaragoza) en el Siglo XV." *VI Simposio Internacional de Mudejarismo*, pp. 197–208. Teruel: Instituto de Estudios Turolenses, 1995.
- "Contratos de vasallaje de mudéjares aragoneses." *Actas del VII Simposio Internacional de Mudejarismo*, pp. 133–141. Teruel: Instituto de Estudios Turolenses, 1999.
- Perry, Mary Elizabeth. *The Handless Maiden: Moriscos and the Politics of Religion in Early Modern Spain*. Princeton: Princeton University Press, 2005.
- Piles Ros, L. *Apuntes para la historia económico-social de Valencia durante el siglo XV*. Valencia: Ayuntamiento de Valencia, 1969.

- "La situación social de los moros de realengo en la Valencia del siglo XV." *Estudios de Historia Social de España* 1:225–274.
- Powers, D. S. "Fatwas as Sources for Legal and Social History: A Dispute Over Endowment Revenues from Fourteenth-Century Fez." *Al-Qantara* 11: 295–341.
- *Law, Society, and Culture in the Maghrib, 1300–1500*. Cambridge: Cambridge University Press, 2002.
- al-Qadi, W. "The Madrasa in the Maghreb in the dua' of al-Wansharisi's *Mi'yar*." *Al-Fikr al-Tarbuwiyya al-Islami*. 2:117–154.
- Reinhart, A. K. "Transcendence and Social Practice: *Muftis* and *Qadis* as Religious Interpreters." *Annales Islamologiques* 27:5–28.
- Remensnyder, A. G. The Colonization of Sacred Architecture: The Virgin Mary, Mosques, and Temples in Medieval Spain and Early Sixteenth-Century Mexico." In S. Farmer and B. Rosenwein, eds., *Monks and Nuns, Saints and Outcasts: Religion in Medieval Society. Essays in Honor of Lester K. Little*, pp. 189–219. Ithaca: Cornell University Press, 2000.
- Ribera, J., and M. Asín. *Manuscritos árabes y aljamiados de la Biblioteca de la Junta*. Madrid: Junta para la Ampliación de Estudios e Investigaciones Científicas, 1912.
- Ribera y Tarragó, J. *Disertaciones y opúsculos*. 2 vols. Madrid: Estanislao Maestre, 1928.
- "La enseñanza entre los musulmanes españoles." *Disertaciones y opúsculos* 1:229–359. Madrid: Estanislao Maestre, 1928.
- Rodriguez, J. "Prisoners of Faith: Christian Captives in the Later Middle Ages." Ph.D. diss., Princeton University, 2001.
- Royce, A. P. *Ethnic Identity: Strategies of Diversity*. Bloomington: Indiana University Press, 1983.
- Rubin, M. *Gentile Tales: The Narrative Assault on Late Medieval Jews*. New Haven: Yale University Press, 1999.
- Ruzafa García, M. "Façen-se Cristians los moros o muyren! Violència i marginació en la societat medieval." *Revista d'Historia Medieval* 1:87–110.
- "La frontera de Valencia con Granada: La ruta terrestre (1380–1440)." *Andalucía entre Oriente y Occidente, 1236–1492: Actas del V Coloquio Internacional de Historia Medieval de Andalucía*, pp. 659–672. Córdoba: Diputación Provincial, Area de Cultura, 1988.
- "El matrimonio en la familia mudéjar valenciana." *Sharq al-Andalus* 9: 165–176.
- "Los mudéjares valencianos en el siglo XV. Una perspectiva bibliográfica." *Actas del III Simposio Internacional de Mudejarismo*, pp. 291–303. Teruel: Instituto de Estudios Turolenses, 1986.

- "Patrimonio y estructuras familiares en la morería de Valencia (1370–1500)." Ph.D. diss., Departamento de Historia Medieval, University of Valencia, 1988.
- Sabbagh, L. "La religion des Morisques entre deux fatwas." In L. Cardaillac, ed., *Les Morisques et leur temps*, pp. 46–49. Paris: CNRS, 1983.
- Sabra, A. *Poverty and Charity in Medieval Islam: Mamluk Egypt, 1250–1517*. Cambridge: Cambridge University Press, 2000.
- Safran, W. "Diasporas in Modern Societies: Myths of Homeland and Return." *Diaspora* 1:83–99.
- Saint-Blancat, C. "Une diaspora musulmane en Europe?" *Archives des sciences sociales des religions* 92:9–24.
- Salarrullana de Dios, J. "Estudios históricos acerca de la ciudad de Fraga: La aljama de moros de Fraga." *Revista de Archivos, Bibliotecas y Museos* 43:19–44.
- Salicrú i Lluch, R. "The Catalano-Aragonese Commercial Presence in the Sultanate of Granada During the Reign of Alfonso Magnanimous." *Journal of Medieval History* 27:289–312.
- *Documents per a la història de Granada del regnat d'Alfons el Magnanim, 1416–1458*. Barcelona: CSIS, 1999.
- "Esclaus i propietaris d'esclaus a la Barcelona de 1424–1425: Una aproximació des del punt de vista socio-professional." *III Congrés d'història de Barcelona: La ciutat i el seu territori, dos mil anys d'història*, 1:225–232. Barcelona: Institut Municipal d'Història, 1993.
- *El sultanat de Granada i la Corona d'Arago, 1410–1458*. Barcelona: CSIC, 1998.
- *El trafic de mercaderies a Barcelona segons els comptes de la Lleuda de Mediona: febrer de 1434*. Barcelona: CSIS, 1995.
- Sánchez Pérez, J. A. *Partición de herencias entre los musulmanes del Rito Malequí*. Madrid, 1914.
- Scott, J. C. *Domination and the Arts of Resistance: Hidden Transcripts*. New Haven: Yale University Press, 1990.
- Seco de Lucena, L. *Documentos árabe-granadinos*. Madrid: Instituto Islámico, 1961.
- "La escuela de juristas granadinas en el siglo XV." *Miscelánea de Estudios Arabes y Hebraicos* 8:7–28.
- Sivan, E. "Réfugiés syro-palestiniens au temps des croisades." *Revue des Etudes Islamiques* 35:136–137.
- Stern, S., and J. A. Cicala, eds. *Creative Ethnicity: Symbols and Strategies of Contemporary Ethnic Life*. Logan: Utah State University Press, 1991.
- Stuart, D. J. "Taqiyya as Performance: The Travels of Baha' al-Don al-Amilo in the Ottoman Empire (991–93/1583–85)." In *Law and Society in Islam*, pp. 1–70. Princeton: Princeton University Press, 1996.

- Tilander, G. *Los Fueros de Aragón según el manuscrito 458 de la Biblioteca Nacional de Madrid*. Lund: Societatis Humaniorum Litterarum Lusensis, 1937.
- Tololyan, K. "Rethinking Diaspora(s): Stateless Power in the Transnational Moment," *Diaspora* 5:3–36.
- Turki, A. M. "Consultation juridique d'al-imam al-Mazari sur le cas des Musulmans vivant en Sicile sous l'autorité des Normands." *Mélanges de l'Université Saint-Joseph* 44(2): 691–704.
- Tyan, E. *Histoire de l'organisation judiciaire en pays d'Islam*. Leiden: Brill, 1960.
- *Le notariat et le régime de la preuve par écrit dans la pratique du droit musulman*. Beirut: St. Paul, 1959.
- Udovitch, A. L. "Islamic Law and the Social Context of Exchange in the Medieval Middle East." *History and Anthropology* 1:445–465.
- Valérian, D. "Ifriqiyān Muslim Merchants in the Mediterranean at the End of the Middle Ages." *Mediterranean Historical Review* 14(2): 47–66.
- Van Koningsveld, P. S. "Andalusian-Arabic Manuscripts from Christian Spain: A Comparative Intercultural Approach." *Israel Oriental Studies* 12:75–110.
- "Andalusian-Arabic Manuscripts from Medieval Christian Spain: Some Supplementary Notes." *Festgabe für Hans-Rudolf Singer: zum 65. Geburtstag am 6. April 1990 überreicht von seinen Freunden und Kollegen*, Reihe A, 13.1:811–823. Frankfurt: FAS Publikationen des Fachbereichs Angewandte Sprachwissenschaft der Johannes Gutenberg Universität Mainz in Gernersheim, 1991.
- "Muslim Slaves and Captives in Western Europe during the Late Middle Ages." *Islam and Christian-Muslim Relations* 6(1): 5–23.
- Van Koningsveld, P. S., and G. A. Wiegers. "The Islamic Statute of the Mudejars in the Light of a New Source." *Al-Qantara* 17:19–59.
- "Islam in Spain During the Early Sixteenth Century: The Views of the Four Chief Judges in Cairo (Introduction, Translation and Arabic Text)." In Otto Zwartz, Geert Jan van Gelder, and Ed de Moor, eds., *Orientations: Poetry, Politics, and Polemics. Cultural Transfer Between the Iberian Peninsula and North Africa. Yearbook of the Dutch Association for Middle Eastern and Islamic Studies* 4:133–152.
- "The Polemical Works of Muhammad al-Qaysi (fl. 1309) and Their Circulation in Arabic and Aljamiado Among the Mudejars in the Fourteenth Century." *Al-Qantara* 15:163–199.
- Vidal Castro, F. "Ahmad al Wansharisi (m. 914/1508). Principales aspectos de su vida." *Al-Qantara* 12:315–352.
- "Poder religioso y cautivos creyentes en la Edad Media: La experiencia islámica." *Congreso trinitario: Fe, cautivo y liberación*, pp. 73–96. Córdoba: Secretariado Trinitario, 1996.
- Viguera Molins, M. J. *Aragón musulmán*. Zaragoza: Librería General, 1981.

- Documentos mudéjares aragoneses. *Quaderni de Studi Arabi* 5–6:786–790.
- “Dos nuevos documentos árabes de Aragón (Jarque y Morés, 1492).” In *Aragón en la Edad Media: Estudios de economía y sociedad (siglos XII al XV)* 4:235–261. Zaragoza: Universidad de Zaragoza, 1981.
- “Fuentes árabes alrededor de la guerra de Granada.” In M. A. Ladero Quesada, ed., *La incorporación de Granada a la Corona de Castilla: Actas del Simposio Conmemorativo del V Centenario*, pp. 419–439. Granada: Diputación Provincial de Granada, 1993.
- *El Islam en Aragón*. Zaragoza: Caja de Ahorros de la Inmaculada de Aragón, 1995.
- “Un mapa de documentos mudéjares y moriscos de Aragón and Navarra.” *Homenaje al Profesor Jacinto Bosch Vilá* 1:429–434. Granada, 1991.
- “Les Mudejars et leurs documents écrits en arabe.” *Revue des mondes Musulmans et de la Méditerranée* 63–64:156–163.
- “Partición de herencia entre una familia mudéjar de Medinaceli.” *Al-Qantara* 3:73–133.
- “Los predicadores de la corte.” *Saber religioso y poder político en el Islam: Actas del Simposio Internacional de Granada*, pp. 319–332. Madrid, 1994.
- al-Wansharisi, Abu ‘l-‘Abbas Ahmad. *Al-Mi‘yar al-mu‘rib wa ‘l-jami‘al-mughrib ‘an fatawi ahl Ifriqiyah wa ‘l-Andalus wa ‘l-Maghrib*. 13 vols. Rabat: Wazarat al-Awqaq wa al-shu‘un al-Islamiyya, 1981.
- Wart, W. M. *Muslim-Christian Encounters: Perceptions and Misperceptions*. New York: Routledge, 1991.
- Wasserstein, D. *The Rise and Fall of the Party-Kings: Politics and Society in Islamic Spain, 1002–1086*. Princeton: Princeton University Press, 1985.
- Wiegers, G. A. *Islamic Literature in Spanish and Aljamiado: Yça of Segovia (fl. 1450), His Antecedents and Successors*. New York: Brill, 1994.
- Zanón, J. “Los estudios de lengua árabe entre los Moriscos Aragoneses a través de los manuscritos de la Junta.” *Sharq al-Andalus* 12:363–374.

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